

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 18, 2015

An act to amend Sections 28, 146, 500, 650.2, 800, 1603a, 1618.5, 1640.1, 1648.10, 1650, 1695, 1695.1, 1905.1, 1944, 2054, 2401, 2428, 2529, 2650, 2770, 2770.1, 2770.2, 2770.7, 2770.8, 2770.10, 2770.11, 2770.12, 2770.13, 2835.5, 2914, 3057, 3509.5, 4836.2, 4938, 4939, 4980.399, 4980.43, 4980.54, 4984.01, 4989.34, 4992.09, 4996.2, 4996.22, 4996.28, 4999.45, 4999.46, 4999.55, 4999.76, and 4999.100 of, to amend the heading of Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2 of, and to repeal Section 1917.2 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 800, as introduced, Committee on Business, Professions and Economic Development. Healing arts.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations, including those relating to the healing arts:

(1) Existing law requires persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist to have completed prescribed coursework or training in child abuse assessment and reporting. Existing law requires the training to have been obtained from an accredited or approved educational institution, a continuing education provider approved by the responsible board, or a course sponsored or offered by a professional association or a local, county,

or state department of health or mental health for continuing education and approved by the responsible board.

This bill would require the responsible board to specify a continuing education provider for child abuse assessment and reporting coursework by regulation, and would permit the responsible board to approve or accept a sponsored or offered course.

(2) Existing law relating to unlicensed activity enforcement lists specified provisions that require registration, licensure, certification, or other authorization in order to engage in certain businesses or professions regulated by the department and makes a violation of a listed provision an infraction punishable as prescribed.

This bill would include in those listed provisions an existing requirement for the registration of individuals as certified polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees. By creating a new infraction, this bill would impose a state-mandated local program.

(3) The Dental Practice Act provides for the licensure and regulation of dentists by the Dental Board of California. For purposes of the act, any reference to the Board of Dental Examiners is deemed a reference to the Dental Board of California.

This bill would delete certain existing references to the Board of Dental Examiners and, instead, refer to the Dental Board of California.

(4) Existing law provides for the regulation of dental hygienists by the Dental Hygiene Committee of California, within the jurisdiction of the Dental Board of California. Existing law authorizes the committee, until January 1, 2010, to contract with the dental board to carry out any of specified provisions relating to the regulation of dental hygienists, and, on and after January 1, 2010, to contract with the dental board to perform investigations of applicants and licensees under those provisions. Existing law requires the committee to establish fees that relate to the licensing of a registered dental hygienist, subject to specified limitations, including fees for curriculum review and site evaluation for accreditation of educational programs.

This bill would require the Dental Hygiene Committee of California to create and maintain a central file of the names of licensees, to provide an individual historical record with information on acts of licensee misconduct and discipline. The bill would remove the limiting dates from the contracting provisions, thereby authorizing the committee to contract with the dental board to carry out any of specified provisions relating to the regulation of dental hygienists, including performing

investigations of applicants and licensees. This bill, with regard to fees for accreditation of educational programs, would add a maximum fee for feasibility study review.

(5) The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under existing law, the board issues a physician and surgeon's certificate to a licensed physician and surgeon. The act prohibits a person who fails to renew his or her license within 5 years after its expiration from renewing it, and prohibits the license from being reissued, reinstated, or restored thereafter, although the act authorizes a person to apply for and obtain a new license under specified circumstances.

This bill would recast that provision to prohibit renewal by a person who voluntarily cancels his or her license or who fails to renew it as described, and would authorize that person to apply for and obtain a license under those specified circumstances, without regard to reissuance, reinstatement, or restoration.

(6) Existing law relating to research psychoanalysts authorizes certain students and graduates in psychoanalysis to engage in psychoanalysis under prescribed circumstances if they register with the Medical Board of California and present evidence of their student or graduate status. Existing law authorizes that board to suspend or revoke the exemption of those persons from licensure for unprofessional conduct for, among other things, repeated acts of clearly excessive prescribing, furnishing, dispensing, or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities.

This bill would substitute, for those described bases for suspension or revocation of the exemption, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer.

(7) The Physical Therapy Practice Act provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. The act establishes education requirements for a physical therapist assistant, including subject matter instruction through a combination of didactic and clinical experiences, and requires the clinical experience to include at least 18 weeks of full-time experience with a variety of patients.

This bill would delete that 18-week full-time experience requirement for physical therapist assistant education.

(8) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing. The act, on and after January 1, 2008, requires an applicant for initial qualification

or certification as a nurse practitioner under the act who has not been qualified or certified as a nurse practitioner to meet specified requirements. Certain provisions allow the board to find other persons in practice qualified to use the title of “nurse practitioner.”

This bill would delete those title provisions.

(9) The Nursing Practice Act provides for a diversion program to identify and rehabilitate registered nurses whose competency may be impaired due to abuse of alcohol and other drugs, or due to mental illness.

This bill would instead refer to the program as an intervention program.

(10) The Optometry Practice Act provides for the licensure and regulation of optometrists by the State Board of Optometry. The act prescribes license eligibility requirements, including, but not limited to, submitting proof that the person is licensed in good standing as of the date of application in every state where he or she holds a license, including compliance with continuing education requirements, submitting proof that the person has been in active practice in a state in which he or she is licensed for a total of at least 5,000 hours in 5 of the 7 consecutive years immediately preceding the date of his or her application, and has never had his or her license to practice optometry revoked or suspended. For purposes of those provisions, “in good standing” includes the requirement that the person have not been found mentally incompetent by a physician so that the person is unable to undertake the practice of optometry in a manner consistent with the safety of a patient or the public.

This bill would delete that active practice requirement and would require that the license never have been revoked or suspended in any state where the person holds a license. The bill, with regard to making such a finding of mental incompetence, would replace a finding by a physician with a finding by a licensed psychologist or licensed psychiatrist.

(11) The Physician Assistant Practice Act requires the Physician Assistant Board to annually elect a chairperson and vice chairperson from among its members.

This bill would require the annual election of a president and vice president.

(12) Existing law relating to veterinary medicine requires a veterinary assistant to obtain a controlled substance permit from the Veterinary Medical Board in order to administer a controlled substance, and

authorizes the board to deny, revoke, or suspend the permit, after notice and hearing, for any of specified causes. Existing law authorizes the board to revoke or suspend a permit for the same.

This bill would, instead, authorize the board to suspend or revoke the controlled substance permit of a veterinary assistant, after notice and hearing, for any of specified causes, and to deny, revoke, or suspend a permit for the same.

(13) The Acupuncture Licensure Act provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. The act requires the board to issue a license to practice acupuncture to a person who meets prescribed requirements. The act requires, in the case of an applicant who has completed education and training outside the United States and Canada, documented educational training and clinical experience that meets certain standards established by the board. Existing law, commencing January 1, 2017, specifically requires the board to establish standards for the approval of educational training and clinical experience received outside the United States and Canada.

This bill would remove Canada from those provisions, thereby applying the same standards to all training and clinical experience completed outside the United States.

(14) The Licensed Marriage and Family Therapist Act provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. The act sets forth the educational and training requirements for licensure as a marriage and family therapist, including certain supervised-experience requirements whereby a prospective licensee is required to work a specified number of hours in a clinical setting under the supervision of experienced professionals. The act requires all persons to register with the board as an intern in order to be credited for postdegree hours of supervised experience gained toward licensure. The act, with regard to interns, requires all postdegree hours of experience to be credited toward licensure, except when employed in a private practice setting, if certain conditions are met.

This bill would require postdegree hours of experience to be credited toward licensure if certain conditions are met. The bill would prohibit an applicant for licensure as a marriage and family therapist from being employed or volunteering in a private practice until registered as an intern by the board. This bill would similarly prohibit an applicant for professional clinical counselor under the Licensed Professional Clinical

Counselor Act from being employed or volunteering in a private practice until registered as an intern by the board.

(15) The Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act require the Board of Behavioral Sciences to approve continuing education providers for specified educational courses relating to licensure for marriage and family therapists, educational psychologists, clinical social workers, and professional clinical counselors.

The bill would modify those acts to require the Board of Behavioral Sciences to identify, by regulation, acceptable continuing education providers.

(16) The Licensed Marriage and Family Therapist Act and the Licensed Professional Clinical Counselor Act provide for the registration of interns and allow a maximum of possible renewals after initial registration, after which a new registration number is required to be obtained. The Clinical Social Worker Practice Act provides similarly for the registration and renewal of registration of associate clinical social workers. An applicant who is issued a subsequent number is barred from employment or volunteering in a private practice.

This bill would revise those provisions to refer throughout to subsequent registration numbers.

(17) This bill would additionally delete or update obsolete provisions and make conforming or nonsubstantive changes.

(18) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 28 of the Business and Professions Code
2 is amended to read:

3 28. (a) The Legislature finds that there is a need to ensure that
4 professionals of the healing arts who have demonstrable contact
5 with victims and potential victims of child, elder, and dependent
6 adult abuse, and abusers and potential abusers of children, elders,

1 and dependent adults are provided with adequate and appropriate
2 training regarding the assessment and reporting of child, elder,
3 and dependent adult abuse ~~which~~ *that* will ameliorate, reduce, and
4 eliminate the trauma of abuse and neglect and ensure the reporting
5 of abuse in a timely manner to prevent additional occurrences.

6 ~~The~~

7 (b) *The* Board of Psychology and the Board of Behavioral
8 Sciences shall establish required training in the area of child abuse
9 assessment and reporting for all persons applying for initial
10 licensure and renewal of a license as a psychologist, clinical social
11 worker, professional clinical counselor, or marriage and family
12 therapist. This training shall be required one time only for all
13 persons applying for initial licensure or for licensure renewal.

14 ~~All~~

15 (c) *All* persons applying for initial licensure or renewal of a
16 license as a psychologist, clinical social worker, professional
17 clinical counselor, or marriage and family therapist shall, in
18 addition to all other requirements for licensure or renewal, have
19 completed coursework or training in child abuse assessment and
20 reporting that meets the requirements of this section, including
21 detailed knowledge of the Child Abuse and Neglect Reporting Act
22 (Article 2.5 (commencing with Section 11164) of Chapter 2 of
23 Title 1 of Part 4 of the Penal Code). The training shall meet all of
24 the following requirements:

25 ~~(a)~~

26 (1) Be obtained from one of the following sources:

27 ~~(1)~~

28 (A) An accredited or approved educational institution, as defined
29 in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12,
30 including extension courses offered by those institutions.

31 ~~(2)~~

32 (B) A continuing education provider ~~approved as specified by~~
33 ~~the responsible board.~~ *board by regulation.*

34 ~~(3)~~

35 (C) A course sponsored or offered by a professional association
36 or a local, county, or state department of health or mental health
37 for continuing education and approved *or accepted* by the
38 responsible board.

39 ~~(b)~~

40 (2) Have a minimum of seven contact hours.

1 ~~(e)~~

2 (3) Include the study of the assessment and method of reporting
3 of sexual assault, neglect, severe neglect, general neglect, willful
4 cruelty or unjustifiable punishment, corporal punishment or injury,
5 and abuse in out-of-home care. The training shall also include
6 physical and behavioral indicators of abuse, crisis counseling
7 techniques, community resources, rights and responsibilities of
8 reporting, consequences of failure to report, caring for a child's
9 needs after a report is made, sensitivity to previously abused
10 children and adults, and implications and methods of treatment
11 for children and adults.

12 ~~(d)~~

13 (4) An applicant shall provide the appropriate board with
14 documentation of completion of the required child abuse training.

15 ~~The~~

16 (d) *The* Board of Psychology and the Board of Behavioral
17 Sciences shall exempt an applicant who applies for an exemption
18 from ~~the requirements of~~ this section and who shows to the
19 satisfaction of the board that there would be no need for the training
20 in his or her practice because of the nature of that practice.

21 ~~It~~

22 (e) *It* is the intent of the Legislature that a person licensed as a
23 psychologist, clinical social worker, professional clinical counselor,
24 or marriage and family therapist have minimal but appropriate
25 training in the areas of child, elder, and dependent adult abuse
26 assessment and reporting. It is not intended ~~that~~ *that*, by solely
27 complying with ~~the requirements of~~ this section, a practitioner is
28 fully trained in the subject of treatment of child, elder, and
29 dependent adult abuse victims and abusers.

30 ~~The~~

31 (f) *The* Board of Psychology and the Board of Behavioral
32 Sciences are encouraged to include coursework regarding the
33 assessment and reporting of elder and dependent adult abuse in
34 the required training on aging and long-term care issues prior to
35 licensure or license renewal.

36 SEC. 2. Section 146 of the Business and Professions Code is
37 amended to read:

38 146. (a) Notwithstanding any other provision of law, a
39 violation of any code section listed in subdivision (c) is an

1 infraction subject to the procedures described in Sections 19.6 and
2 19.7 of the Penal Code when either of the following applies:

3 (1) A complaint or a written notice to appear in court pursuant
4 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
5 2 of the Penal Code is filed in court charging the offense as an
6 infraction unless the defendant, at the time he or she is arraigned,
7 after being advised of his or her rights, elects to have the case
8 proceed as a misdemeanor.

9 (2) The court, with the consent of the defendant and the
10 prosecution, determines that the offense is an infraction in which
11 event the case shall proceed as if the defendant has been arraigned
12 on an infraction complaint.

13 (b) Subdivision (a) does not apply to a violation of the code
14 sections listed in subdivision (c) if the defendant has had his or
15 her license, registration, or certificate previously revoked or
16 suspended.

17 (c) The following sections require registration, licensure,
18 certification, or other authorization in order to engage in certain
19 businesses or professions regulated by this code:

20 (1) Sections 2052 and 2054.

21 (2) Section 2630.

22 (3) Section 2903.

23 (4) *Section 3575.*

24 ~~(4)~~

25 (5) Section 3660.

26 ~~(5)~~

27 (6) Sections 3760 and 3761.

28 ~~(6)~~

29 (7) Section 4080.

30 ~~(7)~~

31 (8) Section 4825.

32 ~~(8)~~

33 (9) Section 4935.

34 ~~(9)~~

35 (10) Section 4980.

36 ~~(10)~~

37 (11) Section 4996.

38 ~~(11)~~

39 (12) Section 5536.

40 ~~(12)~~

1 (13) Section 6704.
2 ~~(13)~~
3 (14) Section 6980.10.
4 ~~(14)~~
5 (15) Section 7317.
6 ~~(15)~~
7 (16) Section 7502 or 7592.
8 ~~(16)~~
9 (17) Section 7520.
10 ~~(17)~~
11 (18) Section 7617 or 7641.
12 ~~(18)~~
13 (19) Subdivision (a) of Section 7872.
14 ~~(19)~~
15 (20) Section 8016.
16 ~~(20)~~
17 (21) Section 8505.
18 ~~(21)~~
19 (22) Section 8725.
20 ~~(22)~~
21 (23) Section 9681.
22 ~~(23)~~
23 (24) Section 9840.
24 ~~(24)~~
25 (25) Subdivision (c) of Section 9891.24.
26 ~~(25)~~
27 (26) Section 19049.
28 (d) Notwithstanding any other ~~provision of~~ law, a violation of
29 any of the sections listed in subdivision (c), which is an infraction,
30 is punishable by a fine of not less than two hundred fifty dollars
31 (\$250) and not more than one thousand dollars (\$1,000). No portion
32 of the minimum fine may be suspended by the court unless as a
33 condition of that suspension the defendant is required to submit
34 proof of a current valid license, registration, or certificate for the
35 profession or vocation ~~which~~ *that* was the basis for his or her
36 conviction.
37 SEC. 3. Section 500 of the Business and Professions Code is
38 amended to read:
39 500. ~~Whenever~~ *If* the register or book of registration of the
40 Medical Board of California, the ~~Board of Dental Examiners,~~

1 *Board of California*, or the Board of Pharmacy is destroyed by
2 fire or other public calamity, the board, whose duty it is to keep
3 the register or book, may reproduce it so that there may be shown
4 as nearly as possible the record existing in the original at the time
5 of destruction.

6 SEC. 4. Section 650.2 of the Business and Professions Code
7 is amended to read:

8 650.2. Notwithstanding Section 650 or any other provision of
9 law, it shall not be unlawful for a person licensed pursuant to
10 Chapter 4 (commencing with Section 1600) of Division 2 or any
11 other person, to participate in or operate a group advertising and
12 referral service for dentists if all of the following conditions are
13 met:

14 (a) The patient referrals by the service result from
15 patient-initiated responses to service advertising.

16 (b) The service advertises, if at all, in conformity with Section
17 651 and subdivisions (i) and (l) of Section 1680.

18 (c) The service does not employ a solicitor within the meaning
19 of subdivision (j) of Section 1680.

20 (d) The service does not impose a fee on the member dentists
21 dependent upon the number of referrals or amount of professional
22 fees paid by the patient to the dentist.

23 (e) Participating dentists charge no more than their usual and
24 customary fees to any patient referred.

25 (f) The service registers with the ~~Board of Dental Examiners~~
26 *Dental Board of California* of California, providing its name and
27 address.

28 (g) The service files with the ~~Board of Dental Examiners~~ *Dental*
29 *Board of California* of California a copy of the standard form
30 contract that regulates its relationship with member dentists, which
31 contract shall be confidential and not open to public inspection.

32 (h) If more than 50 percent of its referrals are made to one
33 individual, association, partnership, corporation, or group of three
34 or more dentists, the service discloses that fact in all public
35 communications, including, but not limited to, communication by
36 means of television, radio, motion picture, newspaper, book, or
37 list or directory of healing arts practitioners.

38 (i) When member dentists pay any fee to the service, any
39 advertisement by the service shall clearly and conspicuously
40 disclose that fact by including a statement as follows: "Paid for

1 by participating dentists.” In print advertisements, the required
2 statement shall be in at least 9-point type. In radio advertisements,
3 the required statement shall be articulated so as to be clearly
4 audible and understandable by the radio audience. In television
5 advertisements, the required statement shall be either clearly
6 audible and understandable to the television audience, or displayed
7 in a written form that remains clearly visible for at least five
8 seconds to the television audience. This subdivision shall be
9 operative on and after July 1, 1994.

10 ~~The Board of Dental Examiners~~ *Dental Board of California* of
11 California may adopt regulations necessary to enforce and
12 administer this section.

13 ~~The Board of Dental Examiners~~ *Dental Board of California* may
14 suspend or revoke the registration of any service that fails to
15 comply with ~~the requirements of~~ subdivision (i). No service may
16 reregister with the board if it has a registration that is currently
17 under suspension for a violation of subdivision (i), nor may a
18 service reregister with the board if it had a registration revoked by
19 the board for a violation of subdivision (i) less than one year after
20 that revocation.

21 ~~The Board of Dental Examiners~~ *Dental Board of California* of
22 California may petition the superior court of any county for the
23 issuance of an injunction restraining any conduct ~~which~~ *that*
24 constitutes a violation of this section.

25 It is unlawful and shall constitute a misdemeanor for a person
26 to operate a group advertising and referral service for dentists
27 without providing its name and address to ~~the Board of Dental~~
28 ~~Examiners~~ *Dental Board of California* of California.

29 It is the intent of the Legislature in enacting this section not to
30 otherwise affect the prohibitions provided in Section 650. The
31 Legislature intends to allow the pooling of resources by dentists
32 for the purposes of advertising.

33 This section shall not be construed ~~in any manner which would~~
34 *to* authorize a referral service to engage in the practice of dentistry.

35 SEC. 5. Section 800 of the Business and Professions Code is
36 amended to read:

37 800. (a) The Medical Board of California, the Board of
38 Psychology, the Dental Board of California, *the Dental Hygiene*
39 *Committee of California*, the Osteopathic Medical Board of
40 California, the State Board of Chiropractic Examiners, the Board

1 of Registered Nursing, the Board of Vocational Nursing and
2 Psychiatric Technicians, the State Board of Optometry, the
3 Veterinary Medical Board, the Board of Behavioral Sciences, the
4 Physical Therapy Board of California, the California State Board
5 of Pharmacy, the Speech-Language Pathology and Audiology and
6 Hearing Aid Dispensers Board, the California Board of
7 Occupational Therapy, the Acupuncture Board, and the Physician
8 Assistant Board shall each separately create and maintain a central
9 file of the names of all persons who hold a license, certificate, or
10 similar authority from that board. Each central file shall be created
11 and maintained to provide an individual historical record for each
12 licensee with respect to the following information:

13 (1) Any conviction of a crime in this or any other state that
14 constitutes unprofessional conduct pursuant to the reporting
15 requirements of Section 803.

16 (2) Any judgment or settlement requiring the licensee or his or
17 her insurer to pay any amount of damages in excess of three
18 thousand dollars (\$3,000) for any claim that injury or death was
19 proximately caused by the licensee's negligence, error or omission
20 in practice, or by rendering unauthorized professional services,
21 pursuant to the reporting requirements of Section 801 or 802.

22 (3) Any public complaints for which provision is made pursuant
23 to subdivision (b).

24 (4) Disciplinary information reported pursuant to Section 805,
25 including any additional exculpatory or explanatory statements
26 submitted by the licensee pursuant to subdivision (f) of Section
27 805. If a court finds, in a final judgment, that the peer review
28 resulting in the 805 report was conducted in bad faith and the
29 licensee who is the subject of the report notifies the board of that
30 finding, the board shall include that finding in the central file. For
31 purposes of this paragraph, "peer review" has the same meaning
32 as defined in Section 805.

33 (5) Information reported pursuant to Section 805.01, including
34 any explanatory or exculpatory information submitted by the
35 licensee pursuant to subdivision (b) of that section.

36 (b) (1) Each board shall prescribe and promulgate forms on
37 which members of the public and other licensees or certificate
38 holders may file written complaints to the board alleging any act
39 of misconduct in, or connected with, the performance of
40 professional services by the licensee.

1 ~~If~~

2 (2) *If* a board, or division thereof, a committee, or a panel has
3 failed to act upon a complaint or report within five years, or has
4 found that the complaint or report is without merit, the central file
5 shall be purged of information relating to the complaint or report.

6 ~~Notwithstanding~~

7 (3) *Notwithstanding* this subdivision, the Board of Psychology,
8 the Board of Behavioral Sciences, and the Respiratory Care Board
9 of California shall maintain complaints or reports as long as each
10 board deems necessary.

11 (c) (1) The contents of any central file that are not public
12 records under any other provision of law shall be confidential
13 except that the licensee involved, or his or her counsel or
14 representative, shall have the right to inspect and have copies made
15 of his or her complete file except for the provision that may
16 disclose the identity of an information source. For the purposes of
17 this section, a board may protect an information source by
18 providing a copy of the material with only those deletions necessary
19 to protect the identity of the source or by providing a
20 comprehensive summary of the substance of the material.
21 Whichever method is used, the board shall ensure that full
22 disclosure is made to the subject of any personal information that
23 could reasonably in any way reflect or convey anything detrimental,
24 disparaging, or threatening to a licensee's reputation, rights,
25 benefits, privileges, or qualifications, or be used by a board to
26 make a determination that would affect a licensee's rights, benefits,
27 privileges, or qualifications. The information required to be
28 disclosed pursuant to Section 803.1 shall not be considered among
29 the contents of a central file for the purposes of this subdivision.

30 ~~The~~

31 (2) *The* licensee may, but is not required to, submit any
32 additional exculpatory or explanatory statement or other
33 information that the board shall include in the central file.

34 ~~Each~~

35 (3) *Each* board may permit any law enforcement or regulatory
36 agency when required for an investigation of unlawful activity or
37 for licensing, certification, or regulatory purposes to inspect and
38 have copies made of that licensee's file, unless the disclosure is
39 otherwise prohibited by law.

40 ~~These~~

1 (4) *These* disclosures shall effect no change in the confidential
2 status of these records.

3 SEC. 6. Section 1603a of the Business and Professions Code
4 is amended to read:

5 1603a. A member of the ~~Board of Dental Examiners~~ *Dental*
6 *Board of California* who has served two terms shall not be eligible
7 for reappointment to the board. In computing two terms hereunder,
8 that portion of an unexpired term ~~which~~ *that* a member fills as a
9 result of a vacancy shall be excluded.

10 SEC. 7. Section 1618.5 of the Business and Professions Code
11 is amended to read:

12 1618.5. (a) The board shall provide to the Director of the
13 Department of Managed Health Care a copy of any accusation
14 filed with the Office of Administrative Hearings pursuant to
15 Chapter 5 (commencing with Section 11500) of Part 1 of Division
16 3 of Title 2 of the Government Code, when the accusation is filed,
17 for a violation of this chapter relating to the quality of care of any
18 dental provider of a health care service plan, as defined in Section
19 1345 of the Health and Safety Code. There shall be no liability on
20 the part of, and no cause of action shall arise against, the State of
21 California, the ~~Board of Dental Examiners~~, *Dental Board of*
22 *California*, the Department of Managed Health Care, the director
23 of that department, or any officer, agent, employee, consultant, or
24 contractor of the state or the board or the department for the release
25 of any false or unauthorized information pursuant to this section,
26 unless the release is made with knowledge and malice.

27 (b) The board and its executive officer and staff shall maintain
28 the confidentiality of any nonpublic reports provided by the
29 Director of the Department of Managed Health Care pursuant to
30 subdivision (i) of Section 1380 of the Health and Safety Code.

31 SEC. 8. Section 1640.1 of the Business and Professions Code
32 is amended to read:

33 1640.1. As used in this article, the following definitions shall
34 apply:

35 (a) “Specialty” means an area of dental practice approved by
36 the American Dental Association and recognized by the board.

37 (b) “Discipline” means an advanced dental educational program
38 in an area of dental practice not approved as a specialty by the
39 American Dental Association; but offered from a dental college
40 approved by the board.

(c) “Dental college approved by the board” means a dental school or college that is approved by the Commission on Dental Accreditation of the American Dental Association, that is accredited by a body that has a reciprocal accreditation agreement with that commission, or that has been approved by the ~~Board of Dental Examiners~~ *Dental Board of California* through its own approval process.

SEC. 9. Section 1648.10 of the Business and Professions Code is amended to read:

1648.10. (a) ~~The Board of Dental Examiners~~ *Dental Board* of California shall develop and distribute a fact sheet describing and comparing the risks and efficacy of the various types of dental restorative materials that may be used to repair a dental patient’s oral condition or defect. The fact sheet shall include:

(1) A description of the groups of materials that are available to the profession for restoration of an oral condition or defect.

(2) A comparison of the relative benefits and detriments of each group of materials.

(3) A comparison of the cost considerations associated with each group of materials.

(4) A reference to encourage discussion between patient and dentist regarding materials and to inform the patient of his or her options.

(b) The fact sheet shall be made available by the ~~Board of Dental Examiners~~ *Dental Board* of California to all licensed dentists.

(c) ~~The Board of Dental Examiners~~ *Dental Board* of California shall update the fact sheet described in subdivision (a) as determined necessary by the board.

SEC. 10. Section 1650 of the Business and Professions Code is amended to read:

1650. Every person who is now or hereafter licensed to practice dentistry in this state shall register on forms prescribed by the board, his or her place of practice with the ~~Executive Officer of the State Board of Dental Examiners~~, *executive officer of the Dental Board*, or, if he or she has more than one place of practice, all of the places of practice, or, if he or she has no place of practice, to so notify the executive officer of the board. A person licensed by the board shall register with the executive officer within 30 days after the date of his or her license.

SEC. 11. Section 1695 of the Business and Professions Code is amended to read:

1695. It is the intent of the Legislature that the ~~Board of Dental Examiners~~ *Dental Board* of California seek ways and means to identify and rehabilitate licentiates whose competency may be impaired due to abuse of dangerous drugs or alcohol, so that licentiates so afflicted may be treated and returned to the practice of dentistry in a manner ~~which~~ *that* will not endanger the public health and safety. It is also the intent of the Legislature that the ~~Board of Dental Examiners~~ *Dental Board* of California shall implement this legislation in part by establishing a diversion program as a voluntary alternative approach to traditional disciplinary actions.

SEC. 12. Section 1695.1 of the Business and Professions Code is amended to read:

1695.1. As used in this article:

(a) “Board” means the ~~Board of Dental Examiners~~ *Dental Board* of California.

(b) “Committee” means a diversion evaluation committee created by this article.

(c) “Program manager” means the staff manager of the diversion program, as designated by the executive officer of the board. The program manager shall have background experience in dealing with substance abuse issues.

SEC. 13. Section 1905.1 of the Business and Professions Code is amended to read:

1905.1. ~~Until January 1, 2010, the~~ *The* committee may contract with the dental board to carry out ~~any of the provisions of this article. On and after January 1, 2010, the~~ *The* committee may contract with the dental board to perform investigations of applicants and licensees under this article.

SEC. 14. Section 1917.2 of the Business and Professions Code is repealed.

~~1917.2. (a) The committee shall license as a registered dental hygienist a third- or fourth-year dental student who is in good standing at an accredited California dental school and who satisfies the following requirements:~~

~~(1) Satisfactorily performs on a clinical examination and an examination in California law and ethics as prescribed by the committee.~~

1 ~~(2) Satisfactorily completes a national written dental hygiene~~
2 ~~examination approved by the committee.~~

3 ~~(b) A dental student who is granted a registered dental hygienist~~
4 ~~license pursuant to this section may only practice in a dental~~
5 ~~practice that serves patients who are insured under Denti-Cal, the~~
6 ~~Healthy Families Program, or other government programs, or a~~
7 ~~dental practice that has a sliding scale fee system based on income.~~

8 ~~(c) Upon receipt of a license to practice dentistry pursuant to~~
9 ~~Section 1634, a registered dental hygienist license issued pursuant~~
10 ~~to this subdivision is automatically revoked.~~

11 ~~(d) The dental hygienist license is granted for two years upon~~
12 ~~passage of the dental hygiene examination, without the ability for~~
13 ~~renewal.~~

14 ~~(e) Notwithstanding subdivision (d), if a dental student fails to~~
15 ~~remain in good standing at an accredited California dental school,~~
16 ~~or fails to graduate from the dental program, a registered dental~~
17 ~~hygienist license issued pursuant to this section shall be revoked.~~
18 ~~The student shall be responsible for submitting appropriate~~
19 ~~verifying documentation to the committee.~~

20 ~~(f) The provisions of this section shall be reviewed pursuant to~~
21 ~~Division 1.2 (commencing with Section 473). However, the review~~
22 ~~shall be limited to the fiscal feasibility and impact on the~~
23 ~~committee.~~

24 ~~(g) This section shall become inoperative as of January 1, 2014.~~

25 SEC. 15. Section 1944 of the Business and Professions Code
26 is amended to read:

27 1944. (a) The committee shall establish by resolution the
28 amount of the fees that relate to the licensing of a registered dental
29 hygienist, a registered dental hygienist in alternative practice, and
30 a registered dental hygienist in extended functions. The fees
31 established by board resolution in effect on June 30, 2009, as they
32 relate to the licensure of registered dental hygienists, registered
33 dental hygienists in alternative practice, and registered dental
34 hygienists in extended functions, shall remain in effect until
35 modified by the committee. The fees are subject to the following
36 limitations:

37 (1) The application fee for an original license and the fee for
38 issuance of an original license shall not exceed two hundred fifty
39 dollars (\$250).

1 (2) The fee for examination for licensure as a registered dental
2 hygienist shall not exceed the actual cost of the examination.

3 ~~(3) For third- and fourth-year dental students, the fee for~~
4 ~~examination for licensure as a registered dental hygienist shall not~~
5 ~~exceed the actual cost of the examination.~~

6 ~~(4)~~

7 (3) The fee for examination for licensure as a registered dental
8 hygienist in extended functions shall not exceed the actual cost of
9 the examination.

10 ~~(5)~~

11 (4) The fee for examination for licensure as a registered dental
12 hygienist in alternative practice shall not exceed the actual cost of
13 administering the examination.

14 ~~(6)~~

15 (5) The biennial renewal fee shall not exceed one hundred sixty
16 dollars (\$160).

17 ~~(7)~~

18 (6) The delinquency fee shall not exceed one-half of the renewal
19 fee. Any delinquent license may be restored only upon payment
20 of all fees, including the delinquency fee, and compliance with all
21 other applicable requirements of this article.

22 ~~(8)~~

23 (7) The fee for issuance of a duplicate license to replace one
24 that is lost or destroyed, or in the event of a name change, shall
25 not exceed twenty-five dollars (\$25) or one-half of the renewal
26 fee, whichever is greater.

27 ~~(9)~~

28 (8) The fee for certification of licensure shall not exceed one-half
29 of the renewal fee.

30 ~~(10)~~

31 (9) The fee for each curriculum ~~review~~ *review, feasibility study*
32 *review*, and site evaluation for educational programs for dental
33 hygienists who are not accredited by a committee-approved agency
34 shall not exceed two thousand one hundred dollars (\$2,100).

35 ~~(11)~~

36 (10) The fee for each review or approval of course requirements
37 for licensure or procedures that require additional training shall
38 not exceed seven hundred fifty dollars (\$750).

39 ~~(12)~~

1 (11) The initial application and biennial fee for a provider of
2 continuing education shall not exceed five hundred dollars (\$500).

3 ~~(13)~~

4 (12) The amount of fees payable in connection with permits
5 issued under Section 1962 is as follows:

6 (A) The initial permit fee is an amount equal to the renewal fee
7 for the applicant's license to practice dental hygiene in effect on
8 the last regular renewal date before the date on which the permit
9 is issued.

10 (B) If the permit will expire less than one year after its issuance,
11 then the initial permit fee is an amount equal to 50 percent of the
12 renewal fee in effect on the last regular renewal date before the
13 date on which the permit is issued.

14 (b) The renewal and delinquency fees shall be fixed by the
15 committee by resolution at not more than the current amount of
16 the renewal fee for a license to practice under this article nor less
17 than five dollars (\$5).

18 (c) Fees fixed by the committee by resolution pursuant to this
19 section shall not be subject to the approval of the Office of
20 Administrative Law.

21 (d) Fees collected pursuant to this section shall be collected by
22 the committee and deposited into the State Dental Hygiene Fund,
23 which is hereby created. All money in this fund shall, upon
24 appropriation by the Legislature in the annual Budget Act, be used
25 to implement the provisions of this article.

26 (e) No fees or charges other than those listed in this section shall
27 be levied by the committee in connection with the licensure of
28 registered dental hygienists, registered dental hygienists in
29 alternative practice, or registered dental hygienists in extended
30 functions.

31 (f) The fee for registration of an extramural dental facility shall
32 not exceed two hundred fifty dollars (\$250).

33 (g) The fee for registration of a mobile dental hygiene unit shall
34 not exceed one hundred fifty dollars (\$150).

35 (h) The biennial renewal fee for a mobile dental hygiene unit
36 shall not exceed two hundred fifty dollars (\$250).

37 (i) The fee for an additional office permit shall not exceed two
38 hundred fifty dollars (\$250).

39 (j) The biennial renewal fee for an additional office as described
40 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

1 (k) The initial application and biennial special permit fee is an
2 amount equal to the biennial renewal fee specified in paragraph
3 (6) of subdivision (a).

4 (l) The fees in this section shall not exceed an amount sufficient
5 to cover the reasonable regulatory cost of carrying out ~~the~~
6 ~~provisions of this article.~~

7 SEC. 16. Section 2054 of the Business and Professions Code
8 is amended to read:

9 2054. (a) Any person who uses in any sign, business card, or
10 letterhead, or, in an advertisement, the words “doctor” or
11 “physician,” the letters or prefix “Dr.,” the initials “M.D.,” or any
12 other terms or letters indicating or implying that he or she is a
13 physician and surgeon, physician, surgeon, or practitioner under
14 the terms of this or any other law, or that he or she is entitled to
15 practice hereunder, or who represents or holds himself or herself
16 out as a physician and surgeon, physician, surgeon, or practitioner
17 under the terms of this or any other law, without having at the time
18 of so doing a valid, unrevoked, and unsuspended certificate as a
19 physician and surgeon under this chapter, is guilty of a
20 misdemeanor.

21 (b) A holder of a valid, unrevoked, and unsuspended certificate
22 to practice podiatric medicine may use the phrases “doctor of
23 podiatric medicine,” “doctor of podiatry,” and “podiatric doctor,”
24 or the initials “D.P.M.,” and shall not be in violation of subdivision
25 (a).

26 (c) Notwithstanding subdivision (a), any of the following
27 persons may use the words “doctor” or “physician,” the letters or
28 prefix “Dr.,” or the initials “M.D.”:

29 (1) A graduate of a medical school approved or recognized by
30 the board while enrolled in a postgraduate training program
31 approved by the board.

32 (2) A graduate of a medical school who does not have a
33 certificate as a physician and surgeon under this chapter if he or
34 she meets all of the following requirements:

35 (A) If issued a license to practice medicine in ~~another any~~
36 jurisdiction, has not had that license revoked or suspended by ~~any~~
37 *that* jurisdiction.

38 (B) Does not otherwise hold himself or herself out as a physician
39 and surgeon entitled to practice medicine in this state except to
40 the extent authorized by this chapter.

1 (C) Does not engage in any of the acts prohibited by Section
2 2060.

3 (3) A person authorized to practice medicine under Section 2111
4 or 2113 subject to the limitations set forth in those sections.

5 SEC. 17. Section 2401 of the Business and Professions Code
6 is amended to read:

7 2401. (a) Notwithstanding Section 2400, a clinic operated
8 primarily for the purpose of medical education by a public or
9 private nonprofit university medical school, which is approved by
10 the board or the Osteopathic Medical Board of California, may
11 charge for professional services rendered to teaching patients by
12 licensees who hold academic appointments on the faculty of the
13 university, if the charges are approved by the physician and surgeon
14 in whose name the charges are made.

15 (b) Notwithstanding Section 2400, a clinic operated under
16 subdivision (p) of Section 1206 of the Health and Safety Code
17 may employ licensees and charge for professional services rendered
18 by those licensees. However, the clinic shall not interfere with,
19 control, or otherwise direct the professional judgment of a
20 physician and surgeon in a manner prohibited by Section 2400 or
21 any other provision of law.

22 (c) Notwithstanding Section 2400, a narcotic treatment program
23 operated under Section 11876 of the Health and Safety Code and
24 regulated by the State Department of Health Care Services, may
25 employ licensees and charge for professional services rendered by
26 those licensees. However, the narcotic treatment program shall
27 not interfere with, control, or otherwise direct the professional
28 judgment of a physician and surgeon in a manner prohibited by
29 Section 2400 or any other provision of law.

30 ~~(d) Notwithstanding Section 2400, a hospital owned and~~
31 ~~operated by a health care district pursuant to Division 23~~
32 ~~(commencing with Section 32000) of the Health and Safety Code~~
33 ~~may employ a licensee pursuant to Section 2401.1, and may charge~~
34 ~~for professional services rendered by the licensee, if the physician~~
35 ~~and surgeon in whose name the charges are made approves the~~
36 ~~charges. However, the hospital shall not interfere with, control, or~~
37 ~~otherwise direct the physician and surgeon's professional judgment~~
38 ~~in a manner prohibited by Section 2400 or any other provision of~~
39 ~~law.~~

40 (e)

1 (d) Notwithstanding Section 2400, a hospital that is owned and
2 operated by a licensed charitable organization, that offers only
3 pediatric subspecialty care, that, prior to January 1, 2013, employed
4 licensees on a salary basis, and that has not charged for professional
5 services rendered to patients may, commencing January 1, 2013,
6 charge for professional services rendered to patients, provided the
7 following conditions are met:

8 (1) The hospital does not increase the number of salaried
9 licensees by more than five licensees each year.

10 (2) The hospital does not expand its scope of services beyond
11 pediatric subspecialty care.

12 (3) The hospital accepts each patient needing its scope of
13 services regardless of his or her ability to pay, including whether
14 the patient has any form of health care coverage.

15 (4) The medical staff concur by an affirmative vote that the
16 licensee's employment is in the best interest of the communities
17 served by the hospital.

18 (5) The hospital does not interfere with, control, or otherwise
19 direct a physician and surgeon's professional judgment in a manner
20 prohibited by Section 2400 or any other provision of law.

21 SEC. 18. Section 2428 of the Business and Professions Code
22 is amended to read:

23 2428. (a) A person who *voluntarily cancels his or her license*
24 *or who* fails to renew his or her license within five years after its
25 expiration ~~may shall~~ not renew it, ~~and it may not be reissued,~~
26 ~~reinstated, or restored thereafter,~~ but that person may apply for
27 and obtain a new license if he or she:

28 (1) Has not committed any acts or crimes constituting grounds
29 for denial of licensure under Division 1.5 (commencing with
30 Section 475).

31 (2) Takes and passes the examination, if any, which would be
32 required of him or her if application for licensure was being made
33 for the first time, or otherwise establishes to the satisfaction of the
34 licensing authority that passes on the qualifications of applicants
35 for the license that, with due regard for the public interest, he or
36 she is qualified to practice the profession or activity for which the
37 applicant was originally licensed.

38 (3) Pays all of the fees that would be required if application for
39 licensure was being made for the first time.

1 The licensing authority may provide for the waiver or refund of
2 all or any part of an examination fee in those cases in which a
3 license is issued without an examination pursuant to this section.

4 Nothing in this section shall be construed to authorize the
5 issuance of a license for a professional activity or system or mode
6 of healing for which licenses are no longer required.

7 (b) In addition to the requirements set forth in subdivision (a),
8 an applicant shall establish that he or she meets one of the
9 following requirements: (1) satisfactory completion of at least two
10 years of approved postgraduate training; (2) certification by a
11 specialty board approved by the American Board of Medical
12 Specialties or approved by the ~~Division of Licensing~~ board
13 pursuant to subdivision (h) of Section 651; or (3) passing of the
14 clinical competency written examination.

15 (c) Subdivision (a) shall apply to persons who held licenses to
16 practice podiatric medicine except that those persons who failed
17 to renew their licenses within three years after its expiration may
18 not renew it, and it may not be reissued, reinstated, or restored,
19 except in accordance with subdivision (a).

20 SEC. 19. Section 2529 of the Business and Professions Code
21 is amended to read:

22 2529. (a) Graduates of the Southern California Psychoanalytic
23 Institute, the Los Angeles Psychoanalytic Society and Institute,
24 the San Francisco Psychoanalytic Institute, the San Diego
25 Psychoanalytic Institute, or institutes deemed equivalent by the
26 Medical Board of California who have completed clinical training
27 in psychoanalysis may engage in psychoanalysis as an adjunct to
28 teaching, training, or research and hold themselves out to the public
29 as psychoanalysts, and students in those institutes may engage in
30 psychoanalysis under supervision, if the students and graduates
31 do not hold themselves out to the public by any title or description
32 of services incorporating the words “psychological,”
33 “psychologist,” “psychology,” “psychometrists,” “psychometrics,”
34 or “psychometry,” or that they do not state or imply that they are
35 licensed to practice psychology.

36 ~~Those~~

37 (b) *Those* students and graduates seeking to engage in
38 psychoanalysis under this chapter shall register with the Medical
39 Board of California, presenting evidence of their student or
40 graduate status. The board may suspend or revoke the exemption

1 of ~~such~~ *those* persons for unprofessional conduct as defined in
2 Sections ~~725~~, 726, 2234, and 2235.

3 SEC. 20. Section 2650 of the Business and Professions Code
4 is amended to read:

5 2650. (a) The physical therapist education requirements are
6 as follows:

7 (1) Except as otherwise provided in this chapter, each applicant
8 for a license as a physical therapist shall be a graduate of a
9 professional degree program of an accredited postsecondary
10 institution or institutions approved by the board and shall have
11 completed a professional education program including academic
12 course work and clinical internship in physical therapy.

13 (2) Unless otherwise specified by the board by regulation, the
14 educational requirements shall include instruction in the subjects
15 prescribed by the Commission on Accreditation in Physical
16 Therapy Education (CAPTE) of the American Physical Therapy
17 Association or Physiotherapy Education Accreditation Canada and
18 shall include a combination of didactic and clinical experiences.
19 The clinical experience shall include at least 18 weeks of full-time
20 experience with a variety of patients.

21 (b) The physical therapist assistant educational requirements
22 are as follows:

23 (1) Except as otherwise provided in this chapter, each applicant
24 for a license as a physical therapist assistant shall be a graduate of
25 a physical therapist assistant program of an accredited
26 postsecondary institution or institutions approved by the board,
27 and shall have completed both the academic and clinical experience
28 required by the physical therapist assistant program, and have been
29 awarded an associate degree.

30 (2) Unless otherwise specified by the board by regulation, the
31 educational requirements shall include instruction in the subjects
32 prescribed by the CAPTE of the American Physical Therapy
33 Association or Physiotherapy Education Accreditation Canada or
34 ~~such other~~ *another* body as may be approved by the board by
35 regulation and shall include a combination of didactic and clinical
36 experiences. ~~The clinical experience shall include at least 18 weeks
37 of full-time experience with a variety of patients.~~

38 SEC. 21. The heading of Article 3.1 (commencing with Section
39 2770) of Chapter 6 of Division 2 of the Business and Professions
40 Code is amended to read:

1 Article 3.1. ~~Diversion~~ *Intervention* Program

2
3 SEC. 22. Section 2770 of the Business and Professions Code
4 is amended to read:

5 2770. It is the intent of the Legislature that the Board of
6 Registered Nursing seek ways and means to identify and
7 rehabilitate registered nurses whose competency may be impaired
8 due to abuse of alcohol and other drugs, or due to mental illness
9 so that registered nurses so afflicted may be rehabilitated and
10 returned to the practice of nursing in a manner ~~which~~ *that* will not
11 endanger the public health and safety. It is also the intent of the
12 Legislature that the Board of Registered Nursing shall implement
13 this legislation by establishing ~~a diversion~~ *an intervention* program
14 as a voluntary alternative to traditional disciplinary actions.

15 SEC. 23. Section 2770.1 of the Business and Professions Code
16 is amended to read:

17 2770.1. As used in this article:

18 (a) “Board” means the Board of Registered Nursing.

19 (b) “Committee” means ~~a diversion~~ *an intervention* evaluation
20 committee created by this article.

21 (c) “Program manager” means the staff manager of ~~the diversion~~
22 *intervention* program, as designated by the executive officer of the
23 board. The program manager shall have background experience
24 in dealing with substance abuse issues.

25 SEC. 24. Section 2770.2 of the Business and Professions Code
26 is amended to read:

27 2770.2. One or more ~~diversion~~ *intervention* evaluation
28 committees is hereby created in the state to be established by the
29 board. Each committee shall be composed of five persons appointed
30 by the board. No board member shall serve on any committee.

31 Each committee shall have the following composition:

32 (a) Three registered nurses, holding active California licenses,
33 who have demonstrated expertise in the field of chemical
34 dependency or psychiatric nursing.

35 (b) One physician, holding an active California license, who
36 specializes in the diagnosis and treatment of addictive diseases or
37 mental illness.

38 (c) One public member who is knowledgeable in the field of
39 chemical dependency or mental illness.

1 It shall require a majority vote of the board to appoint a person
2 to a committee. Each appointment shall be at the pleasure of the
3 board for a term not to exceed four years. In its discretion the board
4 may stagger the terms of the initial members appointed.

5 SEC. 25. Section 2770.7 of the Business and Professions Code
6 is amended to read:

7 2770.7. (a) The board shall establish criteria for the acceptance,
8 denial, or termination of registered nurses in the ~~diversion~~
9 *intervention* program. Only those registered nurses who have
10 voluntarily requested to participate in the ~~diversion~~ *intervention*
11 program shall participate in the program.

12 (b) A registered nurse under current investigation by the board
13 may request entry into the ~~diversion~~ *intervention* program by
14 contacting the board. Prior to authorizing a registered nurse to
15 enter into the ~~diversion~~ *intervention* program, the board may require
16 the registered nurse under current investigation for any violations
17 of this chapter or any other provision of this code to execute a
18 statement of understanding that states that the registered nurse
19 understands that his or her violations that would otherwise be the
20 basis for discipline may still be investigated and may be the subject
21 of disciplinary action.

22 (c) If the reasons for a current investigation of a registered nurse
23 are based primarily on the self-administration of any controlled
24 substance or dangerous drug or alcohol under Section 2762, or the
25 illegal possession, prescription, or nonviolent procurement of any
26 controlled substance or dangerous drug for self-administration that
27 does not involve actual, direct harm to the public, the board shall
28 close the investigation without further action if the registered nurse
29 is accepted into the board's ~~diversion~~ *intervention* program and
30 successfully completes ~~the requirements of~~ the program. If the
31 registered nurse withdraws or is terminated from the program by
32 a ~~diversion~~ *intervention* evaluation committee, and the termination
33 is approved by the program manager, the investigation shall be
34 reopened and disciplinary action imposed, if warranted, as
35 determined by the board.

36 (d) Neither acceptance nor participation in the ~~diversion~~
37 *intervention* program shall preclude the board from investigating
38 or continuing to investigate, or taking disciplinary action or
39 continuing to take disciplinary action against, any registered nurse

1 for any unprofessional conduct committed before, during, or after
2 participation in the ~~diversion~~ *intervention* program.

3 (e) All registered nurses shall sign an agreement of
4 understanding that the withdrawal or termination from the ~~diversion~~
5 *intervention* program at a time when the program manager or
6 ~~diversion~~ *intervention* evaluation committee determines the
7 licensee presents a threat to the public's health and safety shall
8 result in the utilization by the board of ~~diversion~~ *intervention*
9 *program* treatment records in disciplinary or criminal proceedings.

10 (f) Any registered nurse terminated from the ~~diversion~~
11 *intervention* program for failure to comply with program
12 requirements is subject to disciplinary action by the board for acts
13 committed before, during, and after participation in the ~~diversion~~
14 *intervention* program. A registered nurse who has been under
15 investigation by the board and has been terminated from the
16 ~~diversion~~ *intervention* program by a ~~diversion~~ *intervention*
17 evaluation committee shall be reported by the ~~diversion~~
18 *intervention* evaluation committee to the board.

19 SEC. 26. Section 2770.8 of the Business and Professions Code
20 is amended to read:

21 2770.8. A committee created under this article operates under
22 the direction of the ~~diversion~~ *intervention* program manager. The
23 program manager has the primary responsibility to review and
24 evaluate recommendations of the committee. Each committee shall
25 have the following duties and responsibilities:

26 (a) To evaluate those registered nurses who request participation
27 in the program according to the guidelines prescribed by the board,
28 and to make recommendations.

29 (b) To review and designate those treatment services to which
30 registered nurses in a ~~diversion~~ *an intervention* program may be
31 referred.

32 (c) To receive and review information concerning a registered
33 nurse participating in the program.

34 (d) To consider in the case of each registered nurse participating
35 in a program whether he or she may with safety continue or resume
36 the practice of nursing.

37 (e) To call meetings as necessary to consider the requests of
38 registered nurses to participate in a ~~diversion~~ *an intervention*
39 program, and to consider reports regarding registered nurses
40 participating in a program.

1 (f) To make recommendations to the program manager regarding
2 the terms and conditions of the ~~diversion~~ *intervention* agreement
3 for each registered nurse participating in the program, including
4 treatment, supervision, and monitoring requirements.

5 SEC. 27. Section 2770.10 of the Business and Professions
6 Code is amended to read:

7 2770.10. Notwithstanding ~~the provisions of~~ Article 9
8 (commencing with Section 11120) of Chapter 1 of Part 1 of
9 Division 3 of Title 2 of the Government Code, relating to public
10 meetings, a committee may convene in closed session to consider
11 reports pertaining to any registered nurse requesting or participating
12 in ~~a diversion~~ *an intervention* program. A committee shall only
13 convene in closed session to the extent that it is necessary to protect
14 the privacy of such a licensee.

15 SEC. 28. Section 2770.11 of the Business and Professions
16 Code is amended to read:

17 2770.11. (a) Each registered nurse who requests participation
18 in ~~a diversion~~ *an intervention* program shall agree to cooperate
19 with the rehabilitation program designed by the committee and
20 approved by the program manager. Any failure to comply with
21 ~~the provisions of~~ a rehabilitation program may result in termination
22 of the registered nurse's participation in a program. The name and
23 license number of a registered nurse who is terminated for any
24 reason, other than successful completion, shall be reported to the
25 board's enforcement program.

26 (b) If the program manager determines that a registered nurse,
27 who is denied admission into the program or terminated from the
28 program, presents a threat to the public or his or her own health
29 and safety, the program manager shall report the name and license
30 number, along with a copy of all ~~diversion~~ *intervention program*
31 records for that registered nurse, to the board's enforcement
32 program. The board may use any of the records it receives under
33 this subdivision in any disciplinary proceeding.

34 SEC. 29. Section 2770.12 of the Business and Professions
35 Code is amended to read:

36 2770.12. (a) After the committee and the program manager
37 in their discretion have determined that a registered nurse has
38 successfully completed the ~~diversion~~ *intervention* program, all
39 records pertaining to the registered nurse's participation in the
40 ~~diversion~~ *intervention* program shall be purged.

(b) All board and committee records and records of a proceeding pertaining to the participation of a registered nurse in the ~~diversion~~ *intervention* program shall be kept confidential and are not subject to discovery or subpoena, except as specified in subdivision (b) of Section 2770.11 and subdivision (c).

(c) A registered nurse shall be deemed to have waived any rights granted by any laws and regulations relating to confidentiality of the ~~diversion~~ *intervention* program, if he or she does any of the following:

(1) Presents information relating to any aspect of the ~~diversion~~ *intervention* program during any stage of the disciplinary process subsequent to the filing of an accusation, statement of issues, or petition to compel an examination pursuant to Article 12.5 (commencing with Section 820) of Chapter 1. The waiver shall be limited to information necessary to verify or refute any information disclosed by the registered nurse.

(2) Files a lawsuit against the board relating to any aspect of the ~~diversion~~ *intervention* program.

(3) Claims in defense to a disciplinary action, based on a complaint that led to the registered nurse's participation in the ~~diversion~~ *intervention* program, that he or she was prejudiced by the length of time that passed between the alleged violation and the filing of the accusation. The waiver shall be limited to information necessary to document the length of time the registered nurse participated in the ~~diversion~~ *intervention* program.

SEC. 30. Section 2770.13 of the Business and Professions Code is amended to read:

2770.13. The board shall provide for the legal representation of any person making reports under this article to a committee or the board in any action for defamation directly resulting from those reports regarding a registered nurse's participation in a ~~diversion~~ *intervention* program.

SEC. 31. Section 2835.5 of the Business and Professions Code is amended to read:

~~2835.5. (a) A registered nurse who is holding himself or herself out as a nurse practitioner or who desires to hold himself or herself out as a nurse practitioner shall, within the time prescribed by the board and prior to his or her next license renewal or the issuance of an initial license, submit educational, experience, and other credentials and information as the board may require for it to~~

1 ~~determine that the person qualifies to use the title “nurse~~
2 ~~practitioner,” pursuant to the standards and qualifications~~
3 ~~established by the board.~~

4 ~~(b) Upon finding that a person is qualified to hold himself or~~
5 ~~herself out as a nurse practitioner, the board shall appropriately~~
6 ~~indicate on the license issued or renewed, that the person is~~
7 ~~qualified to use the title “nurse practitioner.” The board shall also~~
8 ~~issue to each qualified person a certificate evidencing that the~~
9 ~~person is qualified to use the title “nurse practitioner.”~~

10 ~~(c) A person who has been found to be qualified by the board~~
11 ~~to use the title “nurse practitioner” prior to the effective date of~~
12 ~~this section, shall not be required to submit any further~~
13 ~~qualifications or information to the board and shall be deemed to~~
14 ~~have met the requirements of this section.~~

15 ~~(d)~~

16 2835.5. On and after January 1, 2008, an applicant for initial
17 qualification or certification as a nurse practitioner under this article
18 who has not been qualified or certified as a nurse practitioner in
19 California or any other state shall meet the following requirements:

20 ~~(1)~~

21 (a) Hold a valid and active registered nursing license issued
22 under this chapter.

23 ~~(2)~~

24 (b) Possess a master’s degree in nursing, a master’s degree in
25 a clinical field related to nursing, or a graduate degree in nursing.

26 ~~(3)~~

27 (c) Satisfactorily complete a nurse practitioner program
28 approved by the board.

29 SEC. 32. Section 2914 of the Business and Professions Code
30 is amended to read:

31 2914. Each applicant for licensure shall comply with all of the
32 following requirements:

33 (a) Is not subject to denial of licensure under Division ~~4.5~~ 1.5
34 (*commencing with Section 475*).

35 (b) Possess an earned doctorate degree (1) in psychology, (2)
36 in educational psychology, or (3) in education with the field of
37 specialization in counseling psychology or educational psychology.
38 Except as provided in subdivision (g), this degree or training shall
39 be obtained from an accredited university, college, or professional

1 school. The board shall make the final determination as to whether
2 a degree meets the requirements of this section.

3 No educational institution shall be denied recognition as an
4 accredited academic institution solely because its program is not
5 accredited by any professional organization of psychologists, and
6 nothing in this chapter or in the administration of this chapter shall
7 require the registration with the board by educational institutions
8 of their departments of psychology or their doctoral programs in
9 psychology.

10 An applicant for licensure trained in an educational institution
11 outside the United States or Canada shall demonstrate to the
12 satisfaction of the board that he or she possesses a doctorate degree
13 in psychology that is equivalent to a degree earned from a
14 regionally accredited university in the United States or Canada.
15 These applicants shall provide the board with a comprehensive
16 evaluation of the degree performed by a foreign credential
17 evaluation service that is a member of the National Association
18 of Credential Evaluation Services (NACES), and any other
19 documentation the board deems necessary.

20 (c) Have engaged for at least two years in supervised
21 professional experience under the direction of a licensed
22 psychologist, the specific requirements of which shall be defined
23 by the board in its regulations, or under suitable alternative
24 supervision as determined by the board in regulations duly adopted
25 under this chapter, at least one year of which shall be after being
26 awarded the doctorate in psychology. If the supervising licensed
27 psychologist fails to provide verification to the board of the
28 experience required by this subdivision within 30 days after being
29 so requested by the applicant, the applicant may provide written
30 verification directly to the board.

31 If the applicant sends verification directly to the board, the
32 applicant shall file with the board a declaration of proof of service,
33 under penalty of perjury, of the request for verification. A copy of
34 the completed verification forms shall be provided to the
35 supervising psychologist and the applicant shall prove to the board
36 that a copy has been sent to the supervising psychologist by filing
37 a declaration of proof of service under penalty of perjury, and shall
38 file this declaration with the board when the verification forms are
39 submitted.

1 Upon receipt by the board of the applicant's verification and
2 declarations, a rebuttable presumption affecting the burden of
3 producing evidence is created that the supervised, professional
4 experience requirements of this subdivision have been satisfied.
5 The supervising psychologist shall have 20 days from the day the
6 board receives the verification and declaration to file a rebuttal
7 with the board.

8 The authority provided by this subdivision for an applicant to
9 file written verification directly shall apply only to an applicant
10 who has acquired the experience required by this subdivision in
11 the United States.

12 The board shall establish qualifications by regulation for
13 supervising psychologists and shall review and approve applicants
14 for this position on a case-by-case basis.

15 (d) Take and pass the examination required by Section 2941
16 unless otherwise exempted by the board under this chapter.

17 (e) Show by evidence satisfactory to the board that he or she
18 has completed training in the detection and treatment of alcohol
19 and other chemical substance dependency. This requirement applies
20 only to applicants who matriculate on or after September 1, 1985.

21 (f) (1) Show by evidence satisfactory to the board that he or
22 she has completed coursework in spousal or partner abuse
23 assessment, detection, and intervention. This requirement applies
24 to applicants who began graduate training during the period
25 commencing on January 1, 1995, and ending on December 31,
26 2003.

27 (2) An applicant who began graduate training on or after January
28 1, 2004, shall show by evidence satisfactory to the board that he
29 or she has completed a minimum of 15 contact hours of coursework
30 in spousal or partner abuse assessment, detection, and intervention
31 strategies, including knowledge of community resources, cultural
32 factors, and same gender abuse dynamics. An applicant may request
33 an exemption from this requirement if he or she intends to practice
34 in an area that does not include the direct provision of mental health
35 services.

36 (3) Coursework required under this subdivision may be
37 satisfactory if taken either in fulfillment of other educational
38 requirements for licensure or in a separate course. This requirement
39 for coursework shall be satisfied by, and the board shall accept in
40 satisfaction of the requirement, a certification from the chief

1 academic officer of the educational institution from which the
2 applicant graduated that the required coursework is included within
3 the institution's required curriculum for graduation.

4 (g) An applicant holding a doctoral degree in psychology from
5 an approved institution is deemed to meet the requirements of this
6 section if ~~all~~ *both* of the following are true:

7 (1) The approved institution offered a doctoral degree in
8 psychology designed to prepare students for a license to practice
9 psychology and was approved by the Bureau for Private
10 Postsecondary and Vocational Education on or before July 1, 1999.

11 (2) The approved institution has not, since July 1, 1999, had a
12 new location, as described in Section ~~94721~~ 94823.5 of the
13 Education Code.

14 ~~(3) The approved institution is not a franchise institution, as~~
15 ~~defined in Section 94729.3 of the Education Code.~~

16 SEC. 33. Section 3057 of the Business and Professions Code
17 is amended to read:

18 3057. (a) The board may issue a license to practice optometry
19 to a person who meets all of the following requirements:

20 (1) Has a degree as a doctor of optometry issued by an accredited
21 school or college of optometry.

22 (2) Has successfully passed the licensing examination for an
23 optometric license in another state.

24 (3) Submits proof that he or she is licensed in good standing as
25 of the date of application in every state where he or she holds a
26 license, including compliance with continuing education
27 requirements.

28 ~~(4) Submits proof that he or she has been in active practice in~~
29 ~~a state in which he or she is licensed for a total of at least 5,000~~
30 ~~hours in five of the seven consecutive years immediately preceding~~
31 ~~the date of his or her application under this section.~~

32 ~~(5)~~

33 (4) Is not subject to disciplinary action as set forth in subdivision
34 (h) of Section 3110. If the person has been subject to disciplinary
35 action, the board shall review that action to determine if it presents
36 sufficient evidence of a violation of this chapter to warrant the
37 submission of additional information from the person or the denial
38 of the application for licensure.

39 ~~(6)~~

(5) Has furnished a signed release allowing the disclosure of information from the Healthcare Integrity and Protection Data Bank and, if applicable, the verification of registration status with the federal Drug Enforcement Administration. The board shall review this information to determine if it presents sufficient evidence of a violation of this chapter to warrant the submission of additional information from the person or the denial of the application for licensure.

~~(7)~~

(6) Has never had his or her license to practice optometry revoked or ~~suspended~~. *suspended in any state where the person holds a license.*

~~(8)~~

(7) (A) Is not subject to denial of an application for licensure based on any of the grounds listed in Section 480.

(B) Is not currently required to register as a sex offender pursuant to Section 290 of the Penal Code.

~~(9)~~

(8) Has met the minimum continuing education requirements set forth in Section 3059 for the current and preceding year.

~~(10)~~

(9) Has met the certification requirements of Section 3041.3 to use therapeutic pharmaceutical agents under subdivision (e) of Section 3041.

~~(11)~~

(10) Submits any other information as specified by the board to the extent it is required for licensure by examination under this chapter.

~~(12)~~

(11) Files an application on a form prescribed by the board, with an acknowledgment by the person executed under penalty of perjury and automatic forfeiture of license, of the following:

(A) That the information provided by the person to the board is true and correct, to the best of his or her knowledge and belief.

(B) That the person has not been convicted of an offense involving conduct that would violate Section 810.

~~(13)~~

(12) Pays an application fee in an amount equal to the application fee prescribed pursuant to subdivision (a) of Section 3152.

1 ~~(14)~~
2 (13) Has successfully passed the board's jurisprudence
3 examination.

4 (b) If the board finds that the competency of a candidate for
5 licensure pursuant to this section is in question, the board may
6 require the passage of a written, practical, or clinical exam or
7 completion of additional continuing education or coursework.

8 (c) In cases where the person establishes, to the board's
9 satisfaction, that he or she has been displaced by a federally
10 declared emergency and cannot relocate to his or her state of
11 practice within a reasonable time without economic hardship, the
12 board ~~is authorized to do both of the following:~~ *may reduce or*
13 *waive the fees required by paragraph (12) of subdivision (a).*

14 ~~(1) Approve an application where the person's time in active~~
15 ~~practice is less than that specified in paragraph (4) of subdivision~~
16 ~~(a), if a sufficient period in active practice can be verified by the~~
17 ~~board and all other requirements of subdivision (a) are satisfied~~
18 ~~by the person.~~

19 ~~(2) Reduce or waive the fees required by paragraph (13) of~~
20 ~~subdivision (a).~~

21 (d) Any license issued pursuant to this section shall expire as
22 provided in Section 3146, and may be renewed as provided in this
23 chapter, subject to the same conditions as other licenses issued
24 under this chapter.

25 (e) The term "in good standing," as used in this section, means
26 that a person under this section:

27 (1) Is not currently under investigation nor has been charged
28 with an offense for any act substantially related to the practice of
29 optometry by any public agency, nor entered into any consent
30 agreement or subject to an administrative decision that contains
31 conditions placed by an agency upon a person's professional
32 conduct or practice, including any voluntary surrender of license,
33 nor been the subject of an adverse judgment resulting from the
34 practice of optometry that the board determines constitutes
35 evidence of a pattern of incompetence or negligence.

36 (2) Has no physical or mental impairment related to drugs or
37 alcohol, and has not been found mentally incompetent by a
38 ~~physician~~ *licensed psychologist or licensed psychiatrist* so that the
39 person is unable to undertake the practice of optometry in a manner
40 consistent with the safety of a patient or the public.

1 SEC. 34. Section 3509.5 of the Business and Professions Code
2 is amended to read:

3 3509.5. The board shall elect annually a ~~chairperson~~ *president*
4 and a vice ~~chairperson~~ *president* from among its members.

5 SEC. 35. Section 4836.2 of the Business and Professions Code
6 is amended to read:

7 4836.2. (a) Applications for a veterinary assistant controlled
8 substance permit shall be upon a form furnished by the board.

9 (b) The fee for filing an application for a veterinary assistant
10 controlled substance permit shall be set by the board in an amount
11 the board determines is reasonably necessary to provide sufficient
12 funds to carry out the purposes of this section, not to exceed one
13 hundred dollars (\$100).

14 (c) The board may ~~deny, suspend,~~ *suspend* or revoke the
15 controlled substance permit of a veterinary assistant after notice
16 and hearing for any cause provided in this subdivision. The
17 proceedings under this section shall be conducted in accordance
18 with the provisions for administrative adjudication in Chapter 5
19 (commencing with Section 11500) of Part 1 of Division 3 of Title
20 2 of the Government Code, and the board shall have all the powers
21 granted therein. The board may ~~revoke~~ *deny, revoke,* or suspend
22 a veterinary assistant controlled substance permit for any of the
23 following reasons:

24 (1) The employment of fraud, misrepresentation, or deception
25 in obtaining a veterinary assistant controlled substance permit.

26 (2) Chronic inebriety or habitual use of controlled substances.

27 (3) The veterinary assistant to whom the permit is issued has
28 been convicted of a state or federal felony controlled substance
29 violation.

30 (4) Violating or attempts to violate, directly or indirectly, or
31 assisting in or abetting the violation of, or conspiring to violate,
32 any provision of this chapter, or of the regulations adopted under
33 this chapter.

34 (d) The board shall not issue a veterinary assistant controlled
35 substance permit to any applicant with a state or federal felony
36 controlled substance conviction.

37 (e) (1) As part of the application for a veterinary assistant
38 controlled substance permit, the applicant shall submit to the
39 Department of Justice fingerprint images and related information,
40 as required by the Department of Justice for all veterinary assistant

1 applicants, for the purposes of obtaining information as to the
2 existence and content of a record of state or federal convictions
3 and state or federal arrests and information as to the existence and
4 content of a record of state or federal arrests for which the
5 Department of Justice establishes that the person is free on bail or
6 on his or her own recognizance pending trial or appeal.

7 (2) When received, the Department of Justice shall forward to
8 the Federal Bureau of Investigation requests for federal summary
9 criminal history information that it receives pursuant to this section.

10 The Department of Justice shall review any information returned
11 to it from the Federal Bureau of Investigation and compile and
12 disseminate a response to the board summarizing that information.

13 (3) The Department of Justice shall provide a state or federal
14 level response to the board pursuant to paragraph (1) of subdivision
15 (p) of Section 11105 of the Penal Code.

16 (4) The Department of Justice shall charge a reasonable fee
17 sufficient to cover the cost of processing the request described in
18 this subdivision.

19 (f) The board shall request from the Department of Justice
20 subsequent notification service, as provided pursuant to Section
21 11105.2 of the Penal Code, for persons described in paragraph (1)
22 of subdivision (e).

23 (g) This section shall become operative on July 1, 2015.

24 SEC. 36. Section 4938 of the Business and Professions Code
25 is amended to read:

26 4938. The board shall issue a license to practice acupuncture
27 to any person who makes an application and meets the following
28 requirements:

29 (a) Is at least 18 years of age.

30 (b) Furnishes satisfactory evidence of completion of one of the
31 following:

32 (1) (A) An approved educational and training program.

33 (B) If an applicant began his or her educational and training
34 program at a school or college that submitted a letter of intent to
35 pursue accreditation to, or attained candidacy status from, the
36 Accreditation Commission for Acupuncture and Oriental Medicine,
37 but the commission subsequently denied the school or college
38 candidacy status or accreditation, respectively, the board may
39 review and evaluate the educational training and clinical experience

1 to determine whether to waive the requirements set forth in this
2 subdivision with respect to that applicant.

3 (2) Satisfactory completion of a tutorial program in the practice
4 of an acupuncturist ~~which~~ *that* is approved by the board.

5 (3) In the case of an applicant who has completed education
6 and training outside the United ~~States and Canada~~, *States*,
7 documented educational training and clinical experience that meets
8 the standards established pursuant to Sections 4939 and 4941.

9 (c) Passes a written examination administered by the board that
10 tests the applicant's ability, competency, and knowledge in the
11 practice of an acupuncturist. The written examination shall be
12 developed by the Office of Professional Examination Services of
13 the Department of Consumer Affairs.

14 (d) Is not subject to denial pursuant to Division 1.5 (commencing
15 with Section 475).

16 (e) Completes a clinical internship training program approved
17 by the board. The clinical internship training program shall not
18 exceed nine months in duration and shall be located in a clinic in
19 ~~this state, which~~ *state that* is an approved educational and training
20 program. The length of the clinical internship shall depend upon
21 the grades received in the examination and the clinical training
22 already satisfactorily completed by the individual prior to taking
23 the examination. On and after January 1, 1987, individuals with
24 800 or more hours of documented clinical training shall be deemed
25 to have met this requirement. The purpose of the clinical internship
26 training program shall be to ensure a minimum level of clinical
27 competence.

28 Each applicant who qualifies for a license shall pay, as a
29 condition precedent to its issuance and in addition to other fees
30 required, the initial licensure fee.

31 SEC. 37. Section 4939 of the Business and Professions Code,
32 as added by Section 9 of Chapter 397 of the Statutes of 2014, is
33 amended to read:

34 4939. (a) The board shall establish standards for the approval
35 of educational training and clinical experience received outside
36 the United ~~States and Canada~~. *States*.

37 (b) This section shall become operative on January 1, 2017.

38 SEC. 38. Section 4980.399 of the Business and Professions
39 Code is amended to read:

1 4980.399. (a) Except as provided in subdivision (a) of Section
2 4980.398, each applicant and registrant shall obtain a passing score
3 on a board-administered California law and ethics examination in
4 order to qualify for licensure.

5 (b) A registrant shall participate in a board-administered
6 California law and ethics examination prior to his or her registration
7 renewal.

8 (c) Notwithstanding subdivision (b), an applicant who holds a
9 registration eligible for renewal, with an expiration date no later
10 than June 30, 2016, and who applies for renewal of that registration
11 between January 1, 2016, and June 30, 2016, shall, if eligible, be
12 allowed to renew the registration without first participating in the
13 California law and ethics examination. These applicants shall
14 participate in the California law and ethics examination in the next
15 renewal cycle, and shall pass the examination prior to licensure or
16 issuance of a subsequent registration number, as specified in this
17 section.

18 (d) If an applicant fails the California law and ethics
19 examination, he or she may retake the examination, upon payment
20 of the required fees, without further application except as provided
21 in subdivision (e).

22 (e) If a registrant fails to obtain a passing score on the California
23 law and ethics examination described in subdivision (a) within his
24 or her renewal period on or after the operative date of this section,
25 he or she shall complete, at a minimum, a 12-hour course in
26 California law and ethics in order to be eligible to participate in
27 the California law and ethics examination. Registrants shall only
28 take the 12-hour California law and ethics course once during a
29 renewal period. The 12-hour law and ethics course required by
30 this section shall be taken through a ~~board-approved~~ continuing
31 education ~~provider~~, *provider as specified by the board by*
32 *regulation*, a county, state or governmental entity, or a college or
33 university.

34 (f) The board shall not issue a subsequent registration number
35 unless the registrant has passed the California law and ethics
36 examination.

37 (g) Notwithstanding subdivision (f), an applicant who holds or
38 has held a registration, with an expiration date no later than January
39 1, 2017, and who applies for a subsequent registration number
40 between January 1, 2016, and January 1, 2017, shall, if eligible,

1 be allowed to obtain the subsequent registration number without
2 first passing the California law and ethics examination. These
3 applicants shall pass the California law and ethics examination
4 during the next renewal period or prior to licensure, whichever
5 occurs first.

6 (h) This section shall become operative on January 1, 2016.

7 SEC. 39. Section 4980.43 of the Business and Professions
8 Code is amended to read:

9 4980.43. (a) Prior to applying for licensure examinations, each
10 applicant shall complete experience that shall comply with the
11 following:

12 (1) A minimum of 3,000 hours completed during a period of at
13 least 104 weeks.

14 (2) Not more than 40 hours in any seven consecutive days.

15 (3) Not less than 1,700 hours of supervised experience
16 completed subsequent to the granting of the qualifying master's
17 or doctoral degree.

18 (4) Not more than 1,300 hours of supervised experience obtained
19 prior to completing a master's or doctoral degree.

20 The applicant shall not be credited with more than 750 hours of
21 counseling and direct supervisor contact prior to completing the
22 master's or doctoral degree.

23 (5) No hours of experience may be gained prior to completing
24 either 12 semester units or 18 quarter units of graduate instruction
25 and becoming a trainee except for personal psychotherapy.

26 (6) No hours of experience may be gained more than six years
27 prior to the date the application for examination eligibility was
28 filed, except that up to 500 hours of clinical experience gained in
29 the supervised practicum required by subdivision (c) of Section
30 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
31 of Section 4980.36 shall be exempt from this six-year requirement.

32 (7) Not more than a combined total of 1,000 hours of experience
33 in the following:

34 (A) Direct supervisor contact.

35 (B) Professional enrichment activities. For purposes of this
36 chapter, "professional enrichment activities" include the following:

37 (i) Workshops, seminars, training sessions, or conferences
38 directly related to marriage and family therapy attended by the
39 applicant that are approved by the applicant's supervisor. An

1 applicant shall have no more than 250 hours of verified attendance
2 at these workshops, seminars, training sessions, or conferences.

3 (ii) Participation by the applicant in personal psychotherapy,
4 which includes group, marital or conjoint, family, or individual
5 psychotherapy by an appropriately licensed professional. An
6 applicant shall have no more than 100 hours of participation in
7 personal psychotherapy. The applicant shall be credited with three
8 hours of experience for each hour of personal psychotherapy.

9 (8) Not more than 500 hours of experience providing group
10 therapy or group counseling.

11 (9) For all hours gained on or after January 1, 2012, not more
12 than 500 hours of experience in the following:

13 (A) Experience administering and evaluating psychological
14 tests, writing clinical reports, writing progress notes, or writing
15 process notes.

16 (B) Client centered advocacy.

17 (10) Not less than 500 total hours of experience in diagnosing
18 and treating couples, families, and children. For up to 150 hours
19 of treating couples and families in conjoint therapy, the applicant
20 shall be credited with two hours of experience for each hour of
21 therapy provided.

22 (11) Not more than 375 hours of experience providing personal
23 psychotherapy, crisis counseling, or other counseling services via
24 telehealth in accordance with Section 2290.5.

25 (12) It is anticipated and encouraged that hours of experience
26 will include working with elders and dependent adults who have
27 physical or mental limitations that restrict their ability to carry out
28 normal activities or protect their rights.

29 This subdivision shall only apply to hours gained on and after
30 January 1, 2010.

31 (b) All applicants, trainees, and registrants shall be at all times
32 under the supervision of a supervisor who shall be responsible for
33 ensuring that the extent, kind, and quality of counseling performed
34 is consistent with the training and experience of the person being
35 supervised, and who shall be responsible to the board for
36 compliance with all laws, rules, and regulations governing the
37 practice of marriage and family therapy. Supervised experience
38 shall be gained by interns and trainees only as an employee or as
39 a volunteer. The requirements of this chapter regarding gaining
40 hours of experience and supervision are applicable equally to

1 employees and volunteers. Experience shall not be gained by
2 interns or trainees as an independent contractor.

3 (1) If employed, an intern shall provide the board with copies
4 of the corresponding W-2 tax forms for each year of experience
5 claimed upon application for licensure.

6 (2) If volunteering, an intern shall provide the board with a letter
7 from his or her employer verifying the intern's employment as a
8 volunteer upon application for licensure.

9 (c) Except for experience gained pursuant to subparagraph (B)
10 of paragraph (7) of subdivision (a), supervision shall include at
11 least one hour of direct supervisor contact in each week for which
12 experience is credited in each work setting, as specified:

13 (1) A trainee shall receive an average of at least one hour of
14 direct supervisor contact for every five hours of client contact in
15 each setting. No more than six hours of supervision, whether
16 individual or group, shall be credited during any single week.

17 (2) An individual supervised after being granted a qualifying
18 degree shall receive at least one additional hour of direct supervisor
19 contact for every week in which more than 10 hours of client
20 contact is gained in each setting. No more than six hours of
21 supervision, whether individual or group, shall be credited during
22 any single week.

23 (3) For purposes of this section, "one hour of direct supervisor
24 contact" means one hour per week of face-to-face contact on an
25 individual basis or two hours per week of face-to-face contact in
26 a group.

27 (4) Direct supervisor contact shall occur within the same week
28 as the hours claimed.

29 (5) Direct supervisor contact provided in a group shall be
30 provided in a group of not more than eight supervisees and in
31 segments lasting no less than one continuous hour.

32 (6) Notwithstanding paragraph (3), an intern working in a
33 governmental entity, a school, a college, or a university, or an
34 institution that is both nonprofit and charitable may obtain the
35 required weekly direct supervisor contact via two-way, real-time
36 videoconferencing. The supervisor shall be responsible for ensuring
37 that client confidentiality is upheld.

38 (7) All experience gained by a trainee shall be monitored by the
39 supervisor as specified by regulation.

(8) The six hours of supervision that may be credited during any single week pursuant to paragraphs (1) and (2) shall apply to supervision hours gained on or after January 1, 2009.

(d) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed professional clinical counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.

(e) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

(2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (d), until registered as an intern.

(3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.

(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee that has satisfied the requirements of subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may

1 be arranged during a supervisor's vacation or sick leave if the
2 supervision meets the requirements of this section.

3 (5) Experience may be gained by the intern solely as part of the
4 position for which the intern volunteers or is employed.

5 (f) Except as provided in subdivision (g), all persons shall
6 register with the board as an intern ~~in order~~ to be credited for
7 postdegree hours of supervised experience gained toward licensure.

8 ~~(g) Except when employed in a private practice setting, all~~
9 ~~postdegree~~ Postdegree hours of experience shall be credited toward
10 licensure so long as the applicant applies for the intern registration
11 within 90 days of the granting of the qualifying master's or doctoral
12 degree and is thereafter granted the intern registration by the board.
13 *An applicant shall not be employed or volunteer in a private*
14 *practice until registered as an intern by the board.*

15 (h) Trainees, interns, and applicants shall not receive any
16 remuneration from patients or clients, and shall only be paid by
17 their employers.

18 (i) Trainees, interns, and applicants shall only perform services
19 at the place where their employers regularly conduct business,
20 which may include performing services at other locations, so long
21 as the services are performed under the direction and control of
22 their employer and supervisor, and in compliance with the laws
23 and regulations pertaining to supervision. Trainees and interns
24 shall have no proprietary interest in their employers' businesses
25 and shall not lease or rent space, pay for furnishings, equipment,
26 or supplies, or in any other way pay for the obligations of their
27 employers.

28 (j) Trainees, interns, or applicants who provide volunteered
29 services or other services, and who receive no more than a total,
30 from all work settings, of five hundred dollars (\$500) per month
31 as reimbursement for expenses actually incurred by those trainees,
32 interns, or applicants for services rendered in any lawful work
33 setting other than a private practice shall be considered an
34 employee and not an independent contractor. The board may audit
35 applicants who receive reimbursement for expenses, and the
36 applicants shall have the burden of demonstrating that the payments
37 received were for reimbursement of expenses actually incurred.

38 (k) Each educational institution preparing applicants for
39 licensure pursuant to this chapter shall consider requiring, and
40 shall encourage, its students to undergo individual, marital or

1 conjoint, family, or group counseling or psychotherapy, as
2 appropriate. Each supervisor shall consider, advise, and encourage
3 his or her interns and trainees regarding the advisability of
4 undertaking individual, marital or conjoint, family, or group
5 counseling or psychotherapy, as appropriate. Insofar as it is deemed
6 appropriate and is desired by the applicant, the educational
7 institution and supervisors are encouraged to assist the applicant
8 in locating that counseling or psychotherapy at a reasonable cost.

9 SEC. 40. Section 4980.54 of the Business and Professions
10 Code is amended to read:

11 4980.54. (a) The Legislature recognizes that the education and
12 experience requirements in this chapter constitute only minimal
13 requirements to ~~assure~~ *ensure* that an applicant is prepared and
14 qualified to take the licensure examinations as specified in
15 subdivision (d) of Section 4980.40 and, if he or she passes those
16 examinations, to begin practice.

17 (b) In order to continuously improve the competence of licensed
18 marriage and family therapists and as a model for all
19 psychotherapeutic professions, the Legislature encourages all
20 licensees to regularly engage in continuing education related to
21 the profession or scope of practice as defined in this chapter.

22 (c) Except as provided in subdivision (e), the board shall not
23 renew any license pursuant to this chapter unless the applicant
24 certifies to the board, on a form prescribed by the board, that he
25 or she has completed not less than 36 hours of approved continuing
26 education in or relevant to the field of marriage and family therapy
27 in the preceding two years, as determined by the board.

28 (d) The board shall have the right to audit the records of any
29 applicant to verify the completion of the continuing education
30 requirement. Applicants shall maintain records of completion of
31 required continuing education coursework for a minimum of two
32 years and shall make these records available to the board for
33 auditing purposes upon request.

34 (e) The board may establish exceptions from the continuing
35 education requirements of this section for good cause, as defined
36 by the board.

37 (f) The continuing education shall be obtained from one of the
38 following sources:

39 (1) An accredited school or state-approved school that meets
40 the requirements set forth in Section 4980.36 or 4980.37. Nothing

1 in this paragraph shall be construed as requiring coursework to be
2 offered as part of a regular degree program.

3 (2) Other continuing education providers, ~~including, but not~~
4 ~~limited to, a professional marriage and family therapist association,~~
5 ~~a licensed health facility, a governmental entity, a continuing~~
6 ~~education unit of an accredited four-year institution of higher~~
7 ~~learning, or a mental health professional association, approved by~~
8 ~~the board.~~ *as specified by the board by regulation.*

9 (g) The board shall establish, by regulation, a procedure for
10 ~~approving identifying acceptable~~ providers of continuing education
11 courses, and all providers of continuing education, as described
12 in paragraphs (1) and (2) of subdivision (f), shall adhere to
13 procedures established by the board. The board may revoke or
14 deny the right of a provider to offer continuing education
15 coursework pursuant to this section for failure to comply with ~~the~~
16 ~~requirements of~~ this section or any regulation adopted pursuant to
17 this section.

18 (h) Training, education, and coursework by approved providers
19 shall incorporate one or more of the following:

20 (1) Aspects of the discipline that are fundamental to the
21 understanding or the practice of marriage and family therapy.

22 (2) Aspects of the discipline of marriage and family therapy in
23 which significant recent developments have occurred.

24 (3) Aspects of other disciplines that enhance the understanding
25 or the practice of marriage and family therapy.

26 (i) A system of continuing education for licensed marriage and
27 family therapists shall include courses directly related to the
28 diagnosis, assessment, and treatment of the client population being
29 served.

30 (j) The board shall, by regulation, fund the administration of
31 this section through continuing education provider fees to be
32 deposited in the Behavioral Sciences Fund. The fees related to the
33 administration of this section shall be sufficient to meet, but shall
34 not exceed, the costs of administering the corresponding provisions
35 of this section. For purposes of this subdivision, a provider of
36 continuing education as described in paragraph (1) of subdivision
37 (f) shall be deemed to be an approved provider.

38 (k) The continuing education requirements of this section shall
39 comply fully with the guidelines for mandatory continuing

1 education established by the Department of Consumer Affairs
2 pursuant to Section 166.

3 SEC. 41. Section 4984.01 of the Business and Professions
4 Code, as amended by Section 31 of Chapter 473 of the Statutes of
5 2013, is amended to read:

6 4984.01. (a) The marriage and family therapist intern
7 registration shall expire one year from the last day of the month
8 in which it was issued.

9 (b) To renew the registration, the registrant shall, on or before
10 the expiration date of the registration, complete all of the following
11 actions:

12 (1) Apply for renewal on a form prescribed by the board.

13 (2) Pay a renewal fee prescribed by the board.

14 (3) Participate in the California law and ethics examination
15 pursuant to Section 4980.399 each year until successful completion
16 of this examination.

17 (4) Notify the board whether he or she has been convicted, as
18 defined in Section 490, of a misdemeanor or felony, and whether
19 any disciplinary action has been taken against him or her by a
20 regulatory or licensing board in this or any other state subsequent
21 to the last renewal of the registration.

22 (c) The registration may be renewed a maximum of five times.
23 No registration shall be renewed or reinstated beyond six years
24 from the last day of the month during which it was issued,
25 regardless of whether it has been revoked. When no further
26 renewals are possible, an applicant may apply for and obtain a new
27 *subsequent* intern registration *number* if the applicant meets the
28 educational requirements for registration in effect at the time of
29 the application for a new *subsequent* intern registration *number*
30 and has passed the California law and ethics examination described
31 in Section 4980.399. An applicant who is issued a subsequent
32 intern registration *number* pursuant to this subdivision ~~may be~~
33 ~~employed or volunteer in any allowable work setting except shall~~
34 ~~not be employed or volunteer in a private practice.~~

35 (d) This section shall become operative on January 1, 2016.

36 SEC. 42. Section 4989.34 of the Business and Professions
37 Code is amended to read:

38 4989.34. (a) To renew his or her license, a licensee shall certify
39 to the board, on a form prescribed by the board, completion in the

1 preceding two years of not less than 36 hours of approved
2 continuing education in, or relevant to, educational psychology.

3 (b) (1) The continuing education shall be obtained from either
4 an accredited university or a continuing education provider
5 ~~approved by the board.~~ *as specified by the board by regulation.*

6 (2) The board shall establish, by regulation, a procedure ~~for~~
7 ~~approving~~ *identifying acceptable* providers of continuing education
8 courses, and all providers of continuing education shall comply
9 with procedures established by the board. The board may revoke
10 or deny the right of a provider to offer continuing education
11 coursework pursuant to this section for failure to comply with the
12 ~~requirements of this section or any regulation adopted pursuant to~~
13 ~~this section.~~

14 (c) Training, education, and coursework by approved providers
15 shall incorporate one or more of the following:

16 (1) Aspects of the discipline that are fundamental to the
17 understanding or the practice of educational psychology.

18 (2) Aspects of the discipline of educational psychology in which
19 significant recent developments have occurred.

20 (3) Aspects of other disciplines that enhance the understanding
21 or the practice of educational psychology.

22 (d) The board may audit the records of a licensee to verify
23 completion of the continuing education requirement. A licensee
24 shall maintain records of the completion of required continuing
25 education coursework for a minimum of two years and shall make
26 these records available to the board for auditing purposes upon its
27 request.

28 (e) The board may establish exceptions from the continuing
29 education requirements of this section for good cause, as
30 determined by the board.

31 (f) The board shall, by regulation, fund the administration of
32 this section through continuing education provider fees to be
33 deposited in the Behavioral Sciences Fund. The amount of the fees
34 shall be sufficient to meet, but shall not exceed, the costs of
35 administering this section.

36 (g) The continuing education requirements of this section shall
37 comply fully with the guidelines for mandatory continuing
38 education established by the Department of Consumer Affairs
39 pursuant to Section 166.

1 SEC. 43. Section 4992.09 of the Business and Professions
2 Code is amended to read:

3 4992.09. (a) Except as provided in subdivision (a) of Section
4 4992.07, an applicant and registrant shall obtain a passing score
5 on a board-administered California law and ethics examination in
6 order to qualify for licensure.

7 (b) A registrant shall participate in a board-administered
8 California law and ethics examination prior to his or her registration
9 renewal.

10 (c) Notwithstanding subdivision (b), an applicant who holds a
11 registration eligible for renewal, with an expiration date no later
12 than June 30, 2016, and who applies for renewal of that registration
13 between January 1, 2016, and June 30, 2016, shall, if eligible, be
14 allowed to renew the registration without first participating in the
15 California law and ethics examination. These applicants shall
16 participate in the California law and ethics examination in the next
17 renewal cycle, and shall pass the examination prior to licensure or
18 issuance of a subsequent registration number, as specified in this
19 section.

20 (d) If an applicant fails the California law and ethics
21 examination, he or she may retake the examination, upon payment
22 of the required fees, without further application except for as
23 provided in subdivision (e).

24 (e) If a registrant fails to obtain a passing score on the California
25 law and ethics examination described in subdivision (a) within his
26 or her renewal period on or after the operative date of this section,
27 he or she shall complete, at a minimum, a 12-hour course in
28 California law and ethics in order to be eligible to participate in
29 the California law and ethics examination. Registrants shall only
30 take the 12-hour California law and ethics course once during a
31 renewal period. The 12-hour law and ethics course required by
32 this section shall be taken through a ~~board-approved~~ continuing
33 education provider, *as specified by the board by regulation*, a
34 county, state or governmental entity, or a college or university.

35 (f) The board shall not issue a subsequent registration number
36 unless the registrant has passed the California law and ethics
37 examination.

38 (g) Notwithstanding subdivision (f), an applicant who holds or
39 has held a registration, with an expiration date no later than January
40 1, 2017, and who applies for a subsequent registration number

1 between January 1, 2016, and January 1, 2017, shall, if eligible,
2 be allowed to obtain the subsequent registration number without
3 first passing the California law and ethics examination. These
4 applicants shall pass the California law and ethics examination
5 during the next renewal period or prior to licensure, whichever
6 occurs first.

7 (h) This section shall become operative on January 1, 2016.

8 SEC. 44. Section 4996.2 of the Business and Professions Code
9 is amended to read:

10 4996.2. Each applicant *for a license* shall furnish evidence
11 satisfactory to the board that he or she complies with all of the
12 following requirements:

13 (a) Is at least 21 years of age.

14 (b) Has received a master's degree from an accredited school
15 of social work.

16 (c) Has had two years of supervised post-master's degree
17 experience, as specified in Section 4996.23.

18 (d) Has not committed any crimes or acts constituting grounds
19 for denial of licensure under Section 480. The board shall not issue
20 a registration or license to any person who has been convicted of
21 any crime in this or another state or in a territory of the United
22 States that involves sexual abuse of children or who is required to
23 register pursuant to Section 290 of the Penal Code or the equivalent
24 in another state or territory.

25 (e) Has completed adequate instruction and training in the
26 subject of alcoholism and other chemical substance dependency.
27 This requirement applies only to applicants who matriculate on or
28 after January 1, 1986.

29 (f) Has completed instruction and training in spousal or partner
30 abuse assessment, detection, and intervention. This requirement
31 applies to an applicant who began graduate training during the
32 period commencing on January 1, 1995, and ending on December
33 31, 2003. An applicant who began graduate training on or after
34 January 1, 2004, shall complete a minimum of 15 contact hours
35 of coursework in spousal or partner abuse assessment, detection,
36 and intervention strategies, including knowledge of community
37 resources, cultural factors, and same gender abuse dynamics.
38 Coursework required under this subdivision may be satisfactory
39 if taken either in fulfillment of other educational requirements for
40 licensure or in a separate course.

(g) Has completed a minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 1807 of Title 16 of the California Code of Regulations. This training or coursework may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

(h) Has completed a minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 1807.2 of Title 16 of the California Code of Regulations. This training or coursework may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

SEC. 45. Section 4996.22 of the Business and Professions Code is amended to read:

4996.22. (a) (1) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.

(2) The board shall not renew any license of an applicant who began graduate study prior to January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, he or she completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two

1 years and shall make these records available to the board for
2 auditing purposes upon request.

3 (c) The board may establish exceptions from the continuing
4 education requirement of this section for good cause as defined
5 by the board.

6 (d) The continuing education shall be obtained from one of the
7 following sources:

8 (1) An accredited school of social work, as defined in Section
9 4991.2, or a school or department of social work that is a candidate
10 for accreditation by the Commission on Accreditation of the
11 Council on Social Work Education. Nothing in this paragraph shall
12 be construed as requiring coursework to be offered as part of a
13 regular degree program.

14 (2) Other continuing education providers, ~~including, but not~~
15 ~~limited to, a professional social work association, a licensed health~~
16 ~~facility, a governmental entity, a continuing education unit of an~~
17 ~~accredited four-year institution of higher learning, and a mental~~
18 ~~health professional association, approved by the board.~~ *as specified*
19 *by the board by regulation.*

20 (e) The board shall establish, by regulation, a procedure for
21 ~~approving~~ *identifying acceptable* providers of continuing education
22 courses, and all providers of continuing education, as described
23 in paragraphs (1) and (2) of subdivision (d), shall adhere to the
24 procedures established by the board. The board may revoke or
25 deny the right of a provider to offer continuing education
26 coursework pursuant to this section for failure to comply with ~~the~~
27 ~~requirements of this section or any regulation adopted pursuant to~~
28 ~~this section.~~

29 (f) Training, education, and coursework by approved providers
30 shall incorporate one or more of the following:

31 (1) Aspects of the discipline that are fundamental to the
32 understanding, or the practice, of social work.

33 (2) Aspects of the social work discipline in which significant
34 recent developments have occurred.

35 (3) Aspects of other related disciplines that enhance the
36 understanding, or the practice, of social work.

37 (g) A system of continuing education for licensed clinical social
38 workers shall include courses directly related to the diagnosis,
39 assessment, and treatment of the client population being served.

1 (h) The continuing education requirements of this section shall
2 comply fully with the guidelines for mandatory continuing
3 education established by the Department of Consumer Affairs
4 pursuant to Section 166.

5 (i) The board may adopt regulations as necessary to implement
6 this section.

7 (j) The board shall, by regulation, fund the administration of
8 this section through continuing education provider fees to be
9 deposited in the Behavioral Science Examiners Fund. The fees
10 related to the administration of this section shall be sufficient to
11 meet, but shall not exceed, the costs of administering the
12 corresponding provisions of this section. For purposes of this
13 subdivision, a provider of continuing education as described in
14 paragraph (1) of subdivision (d) shall be deemed to be an approved
15 provider.

16 SEC. 46. Section 4996.28 of the Business and Professions
17 Code is amended to read:

18 4996.28. (a) Registration as an associate clinical social worker
19 shall expire one year from the last day of the month during which
20 it was issued. To renew a registration, the registrant shall, on or
21 before the expiration date of the registration, complete all of the
22 following actions:

23 (1) Apply for renewal on a form prescribed by the board.

24 (2) Pay a renewal fee prescribed by the board.

25 (3) Notify the board whether he or she has been convicted, as
26 defined in Section 490, of a misdemeanor or felony, and whether
27 any disciplinary action has been taken by a regulatory or licensing
28 board in this or any other state, subsequent to the last renewal of
29 the registration.

30 (4) On and after January 1, 2016, obtain a passing score on the
31 California law and ethics examination pursuant to Section 4992.09.

32 (b) A registration as an associate clinical social worker may be
33 renewed a maximum of five times. When no further renewals are
34 possible, an applicant may apply for and obtain a *new subsequent*
35 *associate clinical social worker registration number* if the applicant
36 meets all requirements for registration in effect at the time of his
37 or her application for a *new subsequent* associate clinical social
38 *worker registration registration number*. An applicant issued a
39 subsequent associate registration *number* pursuant to this
40 subdivision ~~may be employed or volunteer in any allowable work~~

1 ~~setting except~~ shall not be employed or volunteer in a private
2 practice.

3 SEC. 47. Section 4999.45 of the Business and Professions
4 Code, as amended by Section 54 of Chapter 473 of the Statutes of
5 2013, is amended to read:

6 4999.45. (a) An intern employed under this chapter shall:

7 (1) Not perform any duties, except for those services provided
8 as a clinical counselor trainee, until registered as an intern.

9 (2) Not be employed or volunteer in a private practice until
10 registered as an intern.

11 (3) Inform each client prior to performing any professional
12 services that he or she is unlicensed and under supervision.

13 (4) Renew annually for a maximum of five years after initial
14 registration with the board.

15 (b) When no further renewals are possible, an applicant may
16 apply for and obtain a new subsequent intern registration number
17 if the applicant meets the educational requirements for registration
18 in effect at the time of the application for a new subsequent intern
19 registration number and has passed the California law and ethics
20 examination described in Section 4999.53. An applicant issued a
21 subsequent intern registration number pursuant to this subdivision
22 ~~may be employed or volunteer in any allowable work setting except~~
23 ~~shall not be employed or volunteer in a private practice.~~

24 (c) This section shall become operative on January 1, 2016.

25 SEC. 48. Section 4999.46 of the Business and Professions
26 Code, as amended by Section 3 of Chapter 435 of the Statutes of
27 2014, is amended to read:

28 4999.46. (a) To qualify for the licensure examination specified
29 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
30 shall complete clinical mental health experience under the general
31 supervision of an approved supervisor as defined in Section
32 4999.12.

33 (b) The experience shall include a minimum of 3,000 postdegree
34 hours of supervised clinical mental health experience related to
35 the practice of professional clinical counseling, performed over a
36 period of not less than two years (104 weeks), which shall include:

37 (1) Not more than 40 hours in any seven consecutive days.

38 (2) Not less than 1,750 hours of direct counseling with
39 individuals, groups, couples, or families in a setting described in
40 Section 4999.44 using a variety of psychotherapeutic techniques

1 and recognized counseling interventions within the scope of
2 practice of licensed professional clinical counselors.

3 (3) Not more than 500 hours of experience providing group
4 therapy or group counseling.

5 (4) Not more than 375 hours of experience providing personal
6 psychotherapy, crisis counseling, or other counseling services via
7 telehealth in accordance with Section 2290.5.

8 (5) Not less than 150 hours of clinical experience in a hospital
9 or community mental health setting, as defined in Section 1820 of
10 Title 16 of the California Code of Regulations.

11 (6) Not more than a combined total of 1,250 hours of experience
12 in the following related activities:

13 (A) Direct supervisor contact.

14 (B) Client centered advocacy.

15 (C) Not more than 250 hours of experience administering tests
16 and evaluating psychological tests of clients, writing clinical
17 reports, writing progress notes, or writing process notes.

18 (D) Not more than 250 hours of verified attendance at
19 workshops, seminars, training sessions, or conferences directly
20 related to professional clinical counseling that are approved by the
21 applicant's supervisor.

22 (c) No hours of clinical mental health experience may be gained
23 more than six years prior to the date the application for examination
24 eligibility was filed.

25 (d) An applicant shall register with the board as an intern in
26 order to be credited for postdegree hours of experience toward
27 licensure. Postdegree hours of experience shall be credited toward
28 licensure, provided that the applicant applies for intern registration
29 within 90 days of the granting of the qualifying degree and is
30 *thereafter granted the intern registration by the board. An*
31 *applicant shall not be employed or volunteer in a private practice*
32 *until* registered as an intern by the board.

33 (e) All applicants and interns shall be at all times under the
34 supervision of a supervisor who shall be responsible for ensuring
35 that the extent, kind, and quality of counseling performed is
36 consistent with the training and experience of the person being
37 supervised, and who shall be responsible to the board for
38 compliance with all laws, rules, and regulations governing the
39 practice of professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Except for experience gained pursuant to subparagraph (D) of paragraph (6) of subdivision (b), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than six hours of supervision, whether individual or group, shall be credited during any single week. This paragraph shall apply to supervision hours gained on or after January 1, 2009.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained.

(3) For purposes of this section, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

(4) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

(h) This section shall become operative on January 1, 2016.

SEC. 49. Section 4999.55 of the Business and Professions Code is amended to read:

4999.55. (a) Each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.

(c) Notwithstanding subdivision (b), an applicant who holds a registration eligible for renewal, with an expiration date no later than June 30, 2016, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, shall, if eligible, be allowed to renew the registration without first participating in the California law and ethics examination. These applicants shall participate in the California law and ethics examination in the next renewal cycle, and shall pass the examination prior to licensure or issuance of a subsequent registration number, as specified in this section.

(d) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application, except as provided in subdivision (e).

(e) If a registrant fails to obtain a passing score on the California law and ethics examination described in subdivision (a) within his or her renewal period on or after the operative date of this section, he or she shall complete, at minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a ~~board-approved~~ continuing education ~~provider, provider as specified by the board by~~ regulation, a county, state, or governmental entity, or a college or university.

(f) The board shall not issue a subsequent registration number unless the registrant has passed the California law and ethics examination.

(g) Notwithstanding subdivision (f), an applicant who holds or has held a registration, with an expiration date no later than January 1, 2017, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, shall, if eligible, be allowed to obtain the subsequent registration number without first passing the California law and ethics examination. These applicants shall pass the California law and ethics examination during the next renewal period or prior to licensure, whichever occurs first.

(h) This section shall become operative January 1, 2016.

1 SEC. 50. Section 4999.76 of the Business and Professions
2 Code is amended to read:

3 4999.76. (a) Except as provided in subdivision (c), the board
4 shall not renew any license pursuant to this chapter unless the
5 applicant certifies to the board, on a form prescribed by the board,
6 that he or she has completed not less than 36 hours of approved
7 continuing education in or relevant to the field of professional
8 clinical counseling in the preceding two years, as determined by
9 the board.

10 (b) The board shall have the right to audit the records of any
11 applicant to verify the completion of the continuing education
12 requirement. Applicants shall maintain records of completed
13 continuing education coursework for a minimum of two years and
14 shall make these records available to the board for auditing
15 purposes upon request.

16 (c) The board may establish exceptions from the continuing
17 education requirement of this section for good cause, as defined
18 by the board.

19 (d) The continuing education shall be obtained from one of the
20 following sources:

21 (1) A school, college, or university that is accredited or
22 approved, as defined in Section 4999.12. Nothing in this paragraph
23 shall be construed as requiring coursework to be offered as part
24 of a regular degree program.

25 (2) Other continuing education providers, ~~including, but not~~
26 ~~limited to, a professional clinical counseling association, a licensed~~
27 ~~health facility, a governmental entity, a continuing education unit~~
28 ~~of a four-year institution of higher learning that is accredited or~~
29 ~~approved, or a mental health professional association, approved~~
30 ~~by the board.~~ *as specified by the board by regulation.*

31 (e) The board shall establish, by regulation, a procedure for
32 ~~approving~~ *identifying acceptable* providers of continuing education
33 courses, and all providers of continuing education, as described
34 in paragraphs (1) and (2) of subdivision (d), shall adhere to
35 procedures established by the board. The board may revoke or
36 deny the right of a provider to offer continuing education
37 coursework pursuant to this section for failure to comply with ~~the~~
38 ~~requirements of this section or any regulation adopted pursuant to~~
39 ~~this section.~~

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.

(2) Significant recent developments in the discipline of professional clinical counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

(g) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

(i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

SEC. 51. Section 4999.100 of the Business and Professions Code, as amended by Section 66 of Chapter 473 of the Statutes of 2013, is amended to read:

4999.100. (a) An intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant ~~shall~~, on or before the expiration date of the registration, *shall* do the following:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

1 (4) Participate in the California law and ethics examination
2 pursuant to Section 4999.53 each year until successful completion
3 of this examination.

4 (c) The intern registration may be renewed a maximum of five
5 times. No registration shall be renewed or reinstated beyond six
6 years from the last day of the month during which it was issued,
7 regardless of whether it has been revoked. When no further
8 renewals are possible, an applicant may apply for and obtain a new
9 *subsequent* intern registration *number* if the applicant meets the
10 educational requirements for registration in effect at the time of
11 the application for a new *subsequent* intern registration *number*
12 and has passed the California law and ethics examination described
13 in Section 4999.53. An applicant who is issued a subsequent intern
14 registration *number* pursuant to this subdivision ~~may be employed~~
15 ~~or volunteer in any allowable work setting except~~ *shall not be*
16 *employed or volunteer in a private practice.*

17 (d) This section shall become operative on January 1, 2016.

18 SEC. 52. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.